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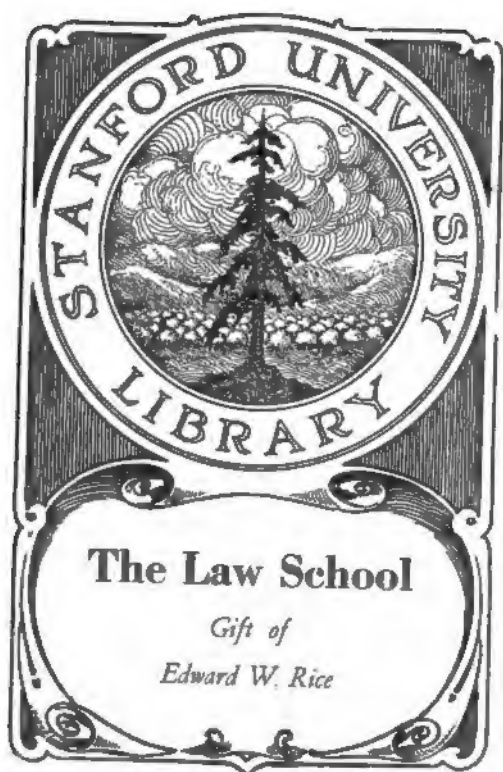
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EX
A
O.
V.

MAUDE & POLLOCK'S
LAW OF MERCHANT SHIPPING.



FOURTH EDITION.

VOL. II.



LAW OF MERCHANDISE
 WITH AN APPENDIX
 CONTAINING

CONTAINING

BY

AND

ESQUIRES, OF THE INNER TEMPLE, BARRISTERS-AT-LAW.

BY

ONE OF THE JUDGES OF HER MAJESTY'S HIGH COURT OF JUSTICE,

AND

OF THE MIDDLE TEMPLE, ESQ.,

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* * The Merchant Shipping Act, 1854, provided, by sect. 331, that all pilotage authorities should retain all powers and jurisdiction which they then lawfully possessed, so far as the same were consistent with the provisions of that Statute. The earlier Acts relating to pilotage were at that time in force (although they were subsequently repealed by the Merchant Shipping Repeal Act, 1854), so that it is necessary still to refer for some purposes to the earlier repealed Statutes. (See the text, Chapter V.) For this reason such of the provisions of the 6 Geo. 4, c. 125, as are likely to be useful are retained here.

6 GEO. 4, c. 125.

An Act for the Amendment of the Law respecting Pilots and Pilotage; and also for the better Preservation of Floating Lights, Buoys and Beacons.
[5th July, 1825.]

1. *Recites and repeals* 52 Geo. 3, c. 39; 55 Geo. 3, c. 87, and all provisions in other acts relating to pilots and pilotage, repealed.

2. And be it further enacted, That from and after the passing of this act it shall be lawful for the said corporation of Trinity House of Deptford Strond, and they are hereby required, after due examination, to appoint and license, under their common seal, fit and competent persons duly skilled to act as pilots for the purpose of conducting all ships and vessels sailing, navigating and passing as well up and down or upon the rivers of Thames and Medway, and all and every the several channels, creeks and docks thereof or therein, or leading or adjoining thereto, between Orfordness and London Bridge, as also from London Bridge to the Downs, and from the Downs westward as far as the Isle of Wight, and in the English Channel from the Isle of Wight up to London Bridge; and all ships and vessels sailing, navigating and passing as aforesaid (save and except as herein-after provided) shall be conducted and piloted, within the limits aforesaid, by such pilots so to be appointed and licensed, and by no other pilots or persons whomsoever:

The corporation of Trinity House of Deptford Strond to license pilots to act within certain limits.

3. And be it further enacted, That no person shall be licensed by the said corporation of Trinity House of Deptford Strond as a pilot who shall not have served as mate for three years on board of or who shall not have been for one year in the actual command of a square-rigged vessel of not less than eighty tons register tonnage as to licences for the North Channel upwards, and not less than one hundred and fifty tons register tonnage as to licences for the North Channel, Queen's Channel, South Channel, or other channels downwards, or who shall not have been employed in the pilotage or buoyage service of the said corporation of Trinity House for seven years, or who shall not have served an apprenticeship of five years to some pilot vessel licensed under the said act passed in the fifty-second year of the reign of his said late Majesty, or under this act; and that no person so licensed shall take charge as a pilot of any ship or vessel drawing more than fourteen feet water in the rivers Thames or Medway,

Noperson shall be licensed by the corporation except as herein specified, nor take charge of a ship drawing more than 14 feet water until he shall have acted three years, and have been then examined and again approved.

APPDX.

4 B

A

Penalty as well by person acting as by the person in command permitting him.

or any of the channels leading thereto or therefrom, until such person shall have acted as a licensed pilot for three years, and shall have been after such three years, on re-examination, approved of in that behalf by the said corporation of Trinity House, on pain of forfeiting ten pounds for every such offence, as well by the person acting as such pilot, as also by the master or other person having the command of such ship or vessel, who shall permit any such person to take charge as a pilot of the same, contrary to the provision aforesaid.

4. *Requires pilots to pay annually 3l. 3s., and 6d. in the pound on their earnings, to the Trinity House, to be applied to the purposes of the Pilots' Fund.*

The corporation of Trinity House shall appoint sub-commissioners to examine pilots at the requisite ports, and on their certificate of qualification may grant licences.

5. And be it further enacted, That it shall be lawful for the said corporation of Trinity House of Deptford Strond and they are hereby required, to appoint from time to time (as often and for such periods as they in their discretion shall think fit) proper and competent persons at such ports or places in England as they may think requisite (except within the liberty of the Cinque Ports, and all such other ports and places within or for which particular provision shall have been made by any act or acts of Parliament, or by any charter or charters for the appointment of pilots), not to exceed five nor less than three persons at each port or place for which any such appointment shall be made, which persons so to be appointed shall be called Sub-Commissioners of Pilotage, and shall take the oath in the schedule hereunto annexed marked (C.), for the faithful discharge of their duty; and such persons so to be appointed shall examine and they are hereby authorized (so long as their respective deputations or appointments shall not be revoked, or superseded by the appointment of other persons in their places), to examine into the qualification of persons to act as pilots for such respective ports and places and the adjoining coasts specified in their respective deputations or appointments as aforesaid; and it shall be lawful for the said corporation, upon their receiving a satisfactory certificate under the hands of any three of the person so to be appointed, where the whole number at any port or place shall consist of four or five, and of any two where the whole number shall consist of three, that the person examined as aforesaid is duly qualified to act for such port or ports and the adjoining coasts, to give a licence to such person to act as a pilot within the particular limits (describing the same) for which he shall have passed such examination.

The Trinity Houses of Hull and Newcastle may appoint sub-commissioners.

Sub-commissioners already appointed shall continue to act.

6. Provided always, and be it further enacted, That it shall be lawful for the corporations of the Trinity Houses of the ports of Hull and Newcastle respectively to appoint sub-commissioners of pilotage to examine pilots, and give licences for them to pilot ships and vessels into or out of any ports, harbours or places within the limits of their respective jurisdictions, anything in this act contained to the contrary notwithstanding: Provided always, that such sub-commissioners as have been already appointed, either by the said corporation of Trinity House of Deptford Strond, or by the said corporations of the Trinity Houses of the ports of Hull and Newcastle (a) respectively, under the authority of any act or acts of Parliament heretofore passed shall continue to act in the same manner as if they were appointed under this act.

Notice of appointment of pilots by the

7. And be it further enacted, That when and as soon as the said corporation of Trinity House of Deptford Strond shall have licensed pilots for any particular port or ports, and the respective coasts near the same

(a) A large part of the jurisdiction in pilotage matters of the Trinity House of Newcastle-upon-Tyne, is

now vested in the Tyne Pilotage Commissioners, 28 Vict. c. 44, s. 11.

as aforesaid, they shall cause notice of such licences to be published by fixing up such notice in writing at the Trinity House and at the Custom House in London, and also at the respective custom houses of the ports for which, and for the coasts near the same, such licences shall be granted, and shall also afterwards cause such notice to be published in the *London Gazette*, and in one or more of the newspapers circulated in that part of the country where the ports shall respectively be situated, which publication in the *London Gazette* shall be good and sufficient evidence of such notice having been given; and from and after a time or times to be limited in the said notice, which shall not in any case, or in relation to any ships or vessels whatever, be less than six weeks from the publication thereof as aforesaid, and shall be proportionably more, at the discretion of the said corporation, in relation to ships and vessels engaged in foreign voyages at the time of such publication, all ships and vessels sailing, navigating or passing into or out of the said respective ports, or upon the coast thereof (save and except as hereinafter mentioned), shall be conducted and piloted by such pilots only as shall be so licensed as aforesaid, and by no other pilots or persons whomsoever.

corporation of Trinity House of Deptford Strond to be fixed up at the Trinity House, &c., after which no other pilot or person shall act.

8. And be it further enacted, That it shall be lawful for the said corporation of Trinity House of Deptford Strond, and they are hereby authorized and required to establish, vary and alter from time to time, as circumstances shall render the same necessary, rates of pilotage, in relation to all pilotage performed in any river, port or place, or upon any coast whatever, by any pilot or pilots already licensed, or who shall be licensed by the said corporation, upon their receiving certificates of examination from sub-commissioners of pilotage as aforesaid, which rates shall be regulated by and proportioned as well to the size and draught of water of the vessels, as to the distance piloted, the detention and responsibility of the pilot, and such other circumstances as the said corporation may think fit to take into consideration in fixing and establishing such rates; of which establishment or alteration of rates of pilotage notice shall be given, by hanging up printed tables thereof, corrected from time to time as variations therein shall be made, at the several custom houses at the ports to which the said rates shall apply; and no greater or less rates, or other reward or emolument for such pilotage, shall under any pretence whatever be demanded, solicited, received, paid or offered, on pain of forfeiting ten pounds for every such offence, as well by the person demanding, soliciting or receiving, as by the person paying or offering such greater or less rates, reward or emolument; provided that ships returning by distress of weather, contrary winds or on account of accident, into ports in the districts of the Isle of Wight, Plymouth and Falmouth, shall be subject to pay one-half of the common pilotage in the said ports.

Trinity House shall establish rates for pilotage performed by pilots licensed on certificates.

Of which rates tables shall be hung up at the Custom Houses of the respective ports, and no greater or less rates shall be received or paid.

9. Provided always, and be it further enacted, That if the major part in number of the pilots who shall be licensed by the said corporation of Trinity House of Deptford Strond for any particular port or place, in consequence of their receiving certificates of examinations as aforesaid, shall be dissatisfied with the rates so established or altered for such port or place, or in case any owner of any ship or vessel interested in any such rates shall be dissatisfied therewith, it shall be lawful for such parties respectively to appeal to his Majesty, his heirs and successors, in his or their most honourable Privy Council, and for any committee of such Privy Council, calling to their assistance any such persons as they may think fit, to hear and determine the matter of such appeal or appeals, and to settle, alter and regulate such rates as to them shall appear to be expedient, in case the matter of such appeal shall, in the discretion of the said Privy Council or committee thereof, appear to require the making of any order therein.

Majority of pilots, or any shipowner, being dissatisfied with the rates, may appeal to Privy Council.

10. And be it further enacted, That all and every the licences to be

Licences to be

granted for one year and renewable.

granted under the authority of this act by the said corporation of Trinity House of Deptford Strond shall be granted in the first instance up to and until the thirty-first day of January next ensuing the date thereof, and no longer; and that the same licences, and also all and every the licences heretofore granted by the said corporation of Trinity House of Deptford Strond, and which shall be in force at the time of the passing of this act, shall and may be renewed and confirmed from year to year, up to and until the thirty-first day of January in every year, and no longer, at the discretion of the said corporation, such renewal and confirmation to be by indorsement on such licences respectively, signed by the secretary to the said corporation for the time being, or by such other person or persons as shall or may be thereunto authorized by the said corporation.

Corporation of Trinity House may make bye-laws and annex penalties for breach of them.

11. And be it further enacted, That all persons licensed to act as pilots, or in pilot vessels, by the said corporation of Trinity House of Deptford Strond, by virtue of this act, shall from time to time and at all times hereafter be subject to the regulations and government of the said corporation, who are hereby authorized and empowered, as well for ensuring the good conduct and constant attendance of such pilots upon their duty as for enforcing the general purposes of this act, from time to time to make and frame all such bye-laws, rules, orders, regulations, and ordinances as they shall think fit, therein specifying and directing also what annual or other sums shall be paid by any such pilots to the sub-commissioners of pilotage for the examination of such pilots, and for granting and renewing or confirming their licences from time to time; and it shall be lawful for the said corporation respectively to annex such reasonable penalties and forfeitures for the breach of such bye-laws, rules, orders, regulations, and ordinances, when made, as to them shall seem expedient in that behalf, and from time to time to annul, alter, and amend all or any of the existing bye-laws, rules, orders, regulations, and ordinances, and to make such other and new bye-laws, rules, orders, regulations, and ordinances as they shall think proper, so as such bye-laws, rules, orders, regulations, and ordinances be made conformable to the true intent and meaning of this act, and shall not be repugnant to the laws of this realm (b):

Masters of ships from the westward not having a pilot shall display a signal for one, and facilitate his getting on board.

19. And be it further enacted, That the master or other person having the command of any ship or vessel coming from the westward, and bound to any place in the rivers of Thames or Medway, not having a duly qualified Cinque Port pilot on board, shall, on the arrival of such ship or vessel off Dungeness, and until she shall have passed the south buoy of the Brake, or a line to be drawn from Sandown Castle to the said buoy, or have been at anchor for one hour, as hereinafter mentioned, display and keep flying the usual signal for a pilot to come on board; and if any duly qualified Cinque Port pilot shall be within hail or approaching and within half a mile, with the proper distinguishing flag flying in his vessel or boat, the master or other person having the command of such ship or vessel shall, by heaving to in proper time or shortening sail, or by all practicable means consistently with the safety of the ship or vessel, facilitate such pilot getting on board, and shall give the charge of piloting his ship or vessel to such Cinque Port pilot; and every person commanding any such ship or vessel who shall not display and keep flying the usual signal for a pilot to come on board, from the time such ship or vessel shall have arrived off Dungeness, and until she shall have passed the south buoy of the Brake, in a line to be drawn from Sandown Castle to the said buoy (unless in the meantime a duly qualified Cinque Port pilot shall have come on board), or

(b) See 16 & 17 Vict. c. 129, s. 23, repealing the rest of the section as to the confirmation of these bye-laws by

the Chief Justice of the Queen's Bench or Common Pleas.

who shall within the limits aforesaid decline to take on board the first duly qualified Cinque Port pilot who shall offer, or to give charge of his ship or vessel to such duly qualified Cinque Port pilot, or who shall not heave to, shorten sail or otherwise consistently with the safety of the ship or vessel facilitate such pilots coming on board as aforesaid, shall forfeit and pay double the amount of the sum which would have been demanded for the pilotage of such ship or vessel: Provided always, that if any ship or vessel coming from the westward, and bound to any place in the rivers Thames or Medway shall anchor anywhere in the Downs between the South Foreland and a line drawn from Sandown Castle to the south buoy of the Brake, having any licensed pilot other than a duly qualified Cinque Port pilot on board, it shall not be necessary for the master of such ship or vessel to display or keep flying the usual signal for a pilot to come on board thereof, any longer than for and during one hour next after such ship or vessel shall so have anchored as aforesaid; and it shall be lawful for any duly qualified Cinque Port pilot, at any time before such ship or vessel shall have been at anchor one hour with such signal flying as aforesaid, to repair on board the same, and to take charge of her up the said rivers, but not otherwise.

Penalty.

Ships anchoring within certain limits, not having a Cinque Port pilot, shall display a signal, and Cinque Port pilots may within an hour repair on board, and take charge.

26. *Provides that rates may be varied by the corporation of Trinity House and Lord Warden of the Cinque Ports respectively, with the consent of the Privy Council.*

27. *Provides that persons applying for licences shall execute a bond for securing obedience to bye-laws.*

28. *Bye-laws, &c. under former act to remain valid, unless altered by this act.*

29. *Licences may be revoked, annulled or suspended.*

30. *Pilots so suspended, &c. and persons complaining against them, may appeal to the Privy Council.*

31. *Empowers the Trinity House and other societies to license vessels for the purpose of having pilots constantly in attendance in them at sea.*

32. *Directs how pilot boats are to be distinguished, and renders liable to a penalty persons concealing marks.—Pilots carried off in any other boat are to display a flag.*

33. *Imposes a penalty for carrying distinguishing flag without having a pilot on board.*

34. *Directs that a boat running before a vessel not having a pilot, and which cannot be boarded, shall be entitled to pilotage.*

35. *Requires that the names, &c. of pilots appointed shall be transmitted to the Trinity House, and a list of all pilots annually to the Trinity House and Custom House.*

36. *Directs that the commissioners of customs shall transmit to their principal officers at ports in England the names, &c. of pilots residing within the limits of each port.*

37. *Directs that lists of vessels employed for pilotage, with the number of hands, shall be annually transmitted to the receiver of six-penny duty in the port of London.*

No pilot shall be taken to sea beyond his limits, without his consent, except in case of necessity, and then he shall receive ten shillings and sixpence per diem above his pilotage.

38. And be it further enacted, That no pilot shall be taken to sea beyond the limits of his district by the commanding officer of any of his Majesty's ships, or by the master or other person having the command of any other ship or vessel whatever, without such pilot's free consent, except under circumstances of absolute and unavoidable necessity; and then and in such case every pilot so taken to sea shall over and above his pilotage have and receive ten shillings and sixpence *per diem*, to be computed from and inclusive of the day next after the day on which the ship or vessel shall pass the limit to which such pilot was engaged to pilot her up to, and until he shall be returned to the port or place where he was taken on board, or until he shall have been discharged from the ship for a sufficient time to have enabled him to return there.

39. *Provides that pilots shall qualify themselves, and conduct ships into and out of Ramsgate and other harbours.*

40. *Provides rates for such pilotage.*

41. *Provides that ships bound to the Thames, repairing to places for performance of quarantine, should pay full charges of pilotage, &c.*

Pilots quitting ships in the Thames or Medway, without consent, before arrival at the place to which bound, to forfeit pay, and be liable to penalty.

42. And be it further enacted, That if any pilot taking charge of any ship or vessel into the rivers Thames or Medway shall quit such ship or vessel at Gravesend or Standgate Creek, or in any other part of the Thames or Medway respectively, before such ship or vessel shall have arrived at the place to which she is bound in the said rivers respectively, without the consent of the captain or other person having the command thereof, unless some other duly qualified pilot shall with such consent come on board, and shall take the charge and conduct of such ship or vessel for the residue of the pilotage to be performed, every such pilot so quitting such ship or vessel shall forfeit for every such offence all pay or reward to which he might be entitled for having conducted or piloted such ship or vessel to Gravesend, Standgate Creek or such part of the Thames or Medway respectively as aforesaid, and shall also be subject to such other penalty or punishment as by virtue of any of the provisions of this act, or of the bye-laws, rules, orders, regulations and ordinances hereby directed to remain in force, or which may be made or established in pursuance hereof, any pilots shall be liable to for quitting a ship or vessel before she shall arrive at her place of destination.

Pilot to write his name in log book, and same to be inserted in report of ships entering the port of London, and reported daily to the Trinity House, and monthly to the Lord Warden of the Cinque Ports.

43. And be it further enacted, That every pilot shall write his christian and surname in the log book of every master or other person having the command for the time being of any ship or vessel entering the port of London, and required to be piloted according to the directions of this act; and every pilot or other person inserting a false name shall forfeit the sum of twenty pounds; and the master or other person having the command of such ship or vessel shall, in making the entry or report of such ship or vessel inwards, insert or cause to be inserted in such entry or report the name or names of the pilot or pilots employed or engaged to pilot such vessel into the said port, which insertion shall be made in the said entry or report (without fee or reward) by the proper officer of the customs, who shall report the same to the corporation of the Trinity House daily; . . . and such officer is hereby authorized and required to reject such entry or report, unless and until the name or names of the pilot or pilots so employed or engaged as aforesaid shall be inserted or notified to such officer for insertion in such entry or report as aforesaid; and also that the principal searcher or clearing officer of the customs at Gravesend shall demand and take the name or names of the pilot or pilots of all ships or vessels clearing outwards from the port of London, and shall transmit monthly lists of such names to the said corporation of Trinity House, on pain of

Monthly reports to be made of vessels clearing outwards.

forfeiting a sum not exceeding ten pounds nor less than five pounds, to be paid by each and every of the persons aforesaid who shall neglect to comply with any of the foregoing regulations. Penalty.

44. And be it further enacted, That all sums of money which shall become due to any licensed pilot for the pilotage of any ship or vessel, except ships or vessels not having British registers, trading to and from the port of London, shall and may be recovered from the owners or masters of such ship or vessel, or from the consignees or agents thereof, who shall have paid or made themselves liable to pay any other charge for the said ship or vessel in the port of her arrival or delivery as to pilotage inwards, and in the port from whence she shall clear out or sail as to pilotage outwards; which sums of money shall and may be levied in such and in the like manner, according to the amount of any such sums of money as aforesaid respectively, as any penalty or penalties of the like amount may be recovered and levied under and by virtue of this act, demand thereof being made in writing at least fourteen days before such levy. How pilotage of ships, except those not having British registers, trading to and from the port of London, may be recovered.

45. And be it further enacted, That the consignees or agents of any ship or vessel from whom any sum of money due to any licensed pilot for pilotage shall have been recovered or shall be recoverable, or by whom any such sum of money shall have been paid, are hereby authorized and empowered to retain in their hands respectively, out of any monies which they may have received or shall thereafter receive, for or on account of such ship or vessel, or the owner or owners thereof, so much as shall be sufficient to pay and discharge such pilotage, and any expenses attending the same. Consignees or agents may retain pilotage which they have paid or are liable to.

46. *Provides in what manner pilotage of ships not having British registers trading to and from the port of London shall be paid.*

47. *Certificate of payment of pilotage to be given—Receivers to pay over to the pilot what shall be due to him; and the residue with the poundage to be carried to the pilots' fund.*

48. *Corporation of Trinity House may, out of pilotage received, reward unlicensed persons who have piloted in the absence of a licensed pilot.*

49. *Provides how the amount of pilotage outward of foreign vessels shall be ascertained.*

50. *How controversies respecting the draught of water of vessels on the Thames shall be settled.*

51. And whereas it may be expedient from time to time to relieve such ships and vessels not having British registers as may come to the port of London with fish, corn or other provisions, in manner hereinafter directed: Be it therefore enacted, That it shall be lawful for the said corporation of Trinity House of Deptford Strond, and they are hereby authorized and empowered, from time to time at their discretion, to make all such regulations in relation to the piloting of ships not having British registers, bringing fish, corn or other provisions into the port of London, and which are or ought to be piloted by pilots licensed by the said corporation of Trinity House, for the ease and relief of such ships and vessels in respect of the rates or amount of pilotage hereby made payable or demandable for such ships and vessels, or for the exemption of such ships or vessels from any such rates or amount, or from any rules or regulations as to the pilotage of such ships or vessels under the provisions of this act, or of any other act of Parliament relating to pilotage, or under any law or usage whatsoever, as the said corporation of Trinity House of Deptford Strond Corporation of Trinity House to make regulations with respect to pilotage of small foreign vessels.

shall from time to time deem just, proper and expedient in relation to such ships and vessels respectively, anything herein contained to the contrary thereof notwithstanding.

Licensed pilots who have executed bond not liable for neglect or want of skill beyond its penalty and the pilotage.

57. Provided always, and be it further enacted, That no pilot licensed or to be licensed as aforesaid who shall have executed the bond hereinbefore directed to be executed by him, and shall be piloting or conducting, within the limits specified in his licence, any ship or vessel which he shall be duly qualified to pilot, or be piloting in the absence of a duly qualified pilot, shall be liable to any action for damages at the suit of the party grieved in any greater sum than the amount which shall have been specified by way of penalty in such bond, and the pilotage payable to him in respect of the voyage on which such ship or vessel shall then be, for any loss or damage which shall happen from or by reason or means of his neglect or want of skill whilst acting in his capacity of a pilot on board such ship or vessel.

Penalty on masters of vessels piloted by any other than a licensed pilot.

58. And be it further enacted, That every master of any ship or vessel who shall act himself as a pilot, or who shall employ or continue employed as a pilot any unlicensed person, or any licensed person acting out of the limits for which he is qualified, or beyond the extent of his qualification, after any party licensed and qualified to act as such, within the limits in which such ship or vessel shall then actually be, shall have offered to take charge of such ship or vessel, or have made a signal for that purpose, shall forfeit for every such offence double the amount of the sum which would have been legally demandable for the pilotage of such ship or vessel, and shall likewise forfeit for every such offence an additional penalty of five pounds for every fifty tons burden of such ship or vessel, if the corporation of Trinity House of Deptford Strond, as to cases in which pilots licensed by or under the said corporation shall be concerned shall think it proper that the person prosecuting should be at liberty to proceed for the recovery of such additional penalty, and certify the same in writing.

Masters of certain ships may pilot same so long as not assisted by unlicensed persons.

59. Provided always, and be it further enacted, That, for and notwithstanding anything in this act contained, the master of any collier, or of any ship or vessel trading to Norway, or to the Cattegat or Baltic, or round the North Cape, or into the White Sea, on their inward or outward voyages, or of any constant trader inwards, from the ports between Boulogne inclusive and the Baltic (all such ships and vessels having British registers, and coming up either by the North Channel but not otherwise), or of any Irish trader using the navigation of the rivers Thames and Medway, or of any ship or vessel employed in the regular coasting trade of the Kingdom, or of any ship or vessel wholly laden with stone from Guernsey, Jersey, Alderney, Sark or Man, and being the production thereof, or of any ship or vessel not exceeding the burden of sixty tons, and having a British register, except as hereinafter provided, or of any other ship or vessel whatever whilst the same is within the limits of the port or place to which she belongs, the same not being a port or place in relation to which particular provision hath heretofore been made by any act or acts of Parliament, or by any charter or charters for the appointment of pilots, shall and may lawfully, and without being subject to any of the penalties by this act imposed, conduct or pilot his own ship or vessel when and so long as he shall conduct or pilot the same without the aid or assistance of any unlicensed pilot or other person or persons than the ordinary crew of the said ship or vessel.

His Majesty in Council may

60. Provided also, That from and after the passing of this act it shall and may be lawful for his Majesty, by and with the advice of his Privy Council,

or by any order or orders in Council, to permit and authorize ships and vessels not exceeding the burden of sixty tons, and not having a British register, to be piloted and conducted without having a duly licensed pilot on board, upon the same terms and conditions as are by this act imposed on British ships and vessels not exceeding the like burden.

authorize ships not exceeding sixty tons burden to be conducted without pilots, as British ships of the like burden.

61. Provided also, That nothing in this act contained shall extend or be construed to extend to subject the master or owner of any ship or vessel to any of the penalties of this act for employing any person or persons whomsoever as a pilot or pilots in and for the assistance of such ship or vessel whilst the same shall be in distress, or in consequence thereof, or under any circumstances which shall have rendered it necessary for such owner or master to avail himself of the best assistance which at the time could be procured, anything herein contained to the contrary thereof in anywise notwithstanding.

Masters not liable to penalties for employing unlicensed persons whilst ship in distress.

62. Provided always, and be it further enacted, That nothing in this act contained shall extend or be construed to extend to subject to any penalty the master or mate of any ship or vessel, being the owner or part owner of such ship or vessel, and residing at Dover, Deal or the Isle of Thanet, for conducting or piloting such his own ship or vessel from any of the places aforesaid, up or down the rivers Thames or Medway, or into or out of any port or place within the jurisdiction of the Cinque Ports.

Master or mate, being owner or part owner, and residing at Dover, &c., may pilot his own ship in the Thames or Medway.

63. Provided always, and be it further enacted, That when any ship or vessel shall have been brought into any port or ports in England by any pilot duly licensed, nothing in this act contained shall extend or be construed to extend to subject to any penalty the master or mate, or other person belonging to such ship or vessel, and having the command thereof, or if in ballast any person or persons appointed by any owner or master or agent of the owner thereof, for afterwards removing such ship or vessel in such port or ports for the purpose of entering into or going out of any dock, or for changing the moorings of such ship or vessel.

Ships brought into any port by pilots may be removed by the master, &c., for certain purposes.

64. And be it further enacted, That every master or other person having the command for the time being of any ship or vessel, who shall report, or be privy or consenting to any other person's reporting, to any pilot taking the charge of such ship or vessel, a false account of the draught of water of such ship or vessel, shall forfeit and pay for every such offence, in addition to the payment of the full rate of pilotage to the pilot entitled thereto, double the amount of such pilotage; and any master or other person having the command for the time being of any ship or vessel, or having any interest, share or property therein, who shall fraudulently alter any marks on the stem or stern post thereof, denoting the draught of water, or shall be privy and consenting thereto, shall for any such offence forfeit and pay the sum of five hundred pounds.

Penalty for reporting to pilots a false account of a vessel's draught of water, or altering the marks denoting such draught.

65. And be it further enacted, That a particular description of the person of every pilot shall be written in or upon or endorsed on the back of his licence; and every captain or master or other person having the command of a ship or vessel shall, on receiving a pilot on board, inspect his licence; and if he shall have reason to think that such pilot is not the person to whom the licence was granted, such captain or master or other person is hereby required forthwith to transmit a copy of such licence to the corporation or other authority by whom such licence shall have been granted, stating the date thereof, together with such account and description of the person producing such licence as may lead to the discovery of the offender.

Description of pilot to be on his licence, &c.

66. And be it further enacted, That no person shall take charge of any

No pilot shall act until his

licence has been registered, nor without producing it.

Penalty.

ship or vessel, or in any manner act as a pilot, or receive any compensation for acting as a pilot, until his licence shall have been registered by the principal officers of the custom house of the place at or nearest to which such pilot shall reside, (which officers are hereby required to register the same without fee or reward,) nor without having his licence at the time of his so acting in his personal custody, and producing the same to the master of any ship or vessel, or other person who shall be desirous of employing him as a pilot, or to whom he shall offer his services, on pain of forfeiting a sum not exceeding thirty pounds nor less than ten pounds for the first offence, and for the second or any subsequent offence a sum not exceeding fifty pounds nor less than thirty pounds, and upon further pain, as to any person licensed as aforesaid, of forfeiting his licence, or being suspended from acting as a pilot, by and at the discretion of the corporation or other authority from which such pilot's licence was derived, either for the first, second or any subsequent offence.

Licences to be delivered up when required, and on death of a pilot his licence shall be returned to the corporation or authority that granted it.

Penalty.

67. And be it further enacted, That every pilot licensed or to be licensed as aforesaid shall, at all times when thereunto required, produce or deliver and yield up his licence to the corporation or other authority by which the same was granted; and that on the death of any such pilot, his executors or administrators, or one of them, or the person or persons to whose hands the licence of such deceased pilot shall come, shall, without wilful delay, transmit such licence to the corporation or other authority by which the same was granted, on pain of such pilot, executor, administrator or other person forfeiting for any neglect therein a sum not exceeding twenty pounds nor less than forty shillings.

68. *Enacts that pilots keeping public houses, &c. (unless authorized), or offending against the revenue laws, &c., shall forfeit their licences or be suspended.*

Pilots suspended or adjudged to have forfeited their licences liable to a penalty for acting.

69. And be it further enacted, That if any person suspended or adjudged to have forfeited his licence as a pilot shall, during the time of such suspension, or after such adjudication, take upon himself to conduct any ship or vessel as a pilot, such person shall be liable to all such penalties, to be recovered and applied in like manner and form, as are provided by this act against any person who shall pilot or conduct any ship or vessel without ever having been licensed as a pilot.

Licensed pilots may supersede unlicensed ones.

Penalty on unlicensed persons acting as pilots after a proper pilot shall have offered to take charge of the ship.

70. And be it further enacted, That it shall be lawful for any licensed pilot, within the limits of his licence and the extent of his qualification therein expressed, to supersede in the charge of any ship or vessel any person not licensed to act as a pilot, or not licensed so to act within such limits, or acting beyond the extent of his qualification; and every person assuming or continuing in the charge or conduct of any ship or vessel, without being a duly licensed pilot, or without being duly licensed to act as a pilot within the limits of which such ship or vessel shall actually be, or beyond the extent of his qualification as expressed in his licence, after any pilot, duly licensed and qualified to act in the premises, shall have offered to take charge of such ship or vessel, shall forfeit for every such offence a sum not exceeding fifty pounds nor less than twenty pounds.

When unlicensed persons, &c., may act as pilots.

71. Provided always, and be it further enacted, That, for and notwithstanding anything in this act contained, any person whatsoever shall and may lawfully, and without being subject to any penalty by this act imposed, assume or continue in the charge or conduct of any ship or vessel as a pilot, where and so long as a pilot duly licensed and qualified shall not have offered to take the charge of such ship or vessel, or made a signal for that purpose, or where and so long as such ship or vessel shall be in distress, or under circumstances which shall have rendered it necessary

for the master of such ship or vessel to avail himself of the best assistance which at the time could be procured.

72. And be it further enacted, That every pilot licensed or to be licensed as aforesaid, who shall, when not actually engaged in his capacity of pilot, refuse or decline or wilfully delay to go off to or on board of or to take charge of any ship or vessel wanting a pilot, and within the limits specified in his licence, and of which he shall be qualified to take charge, upon the usual signal for a pilot being displayed from such ship or vessel, or upon being required so to do by the captain or by any commissioned or warrant officer of or belonging to such ship or vessel (if the same shall be in his Majesty's service), or by the master or other person having the command of such ship or vessel, or by any person or persons interested therein as principal or agent (if the same shall not be in his Majesty's service), or upon being required so to do in either of the cases aforesaid by any officer of the corporation or society to which such pilot shall belong, or by any principal officer of his Majesty's Customs (unless in any of the cases aforesaid it shall be unsafe for such pilot to obey such signal or comply with such requisition, or he shall be prevented from so doing by illness or other sufficient cause to be shown by him in that behalf), and every pilot licensed or to be licensed as aforesaid who shall on any frivolous pretext quit any ship or vessel, or decline the piloting thereof, after he has been engaged to pilot the same, or after going alongside thereof, before the service shall have been performed for which he was hired, and without leave of the captain of such ship or vessel (if in his Majesty's service), or of the master or other person having the command of such ship or vessel (if not in his Majesty's service), shall forfeit for every such offence any sum not exceeding one hundred pounds nor less than ten pounds, and shall be liable to be dismissed from being a pilot, or suspended from acting as such, at the discretion of the corporation or other authority by whom such pilot was licensed.

Penalty on pilots who shall decline to go off to or take charge of vessels, or who shall quit the same.

73. And be it further enacted, That in case any pilot, licensed or to be licensed as aforesaid, shall employ or make use of, or shall compel or require any person having the command or charge of any ship or vessel to employ or make use of any boat, anchor, cable, hawser or any other matter or thing in or for the service or pretended service of such ship or vessel, beyond what shall actually and *bonâ fide* be necessary and proper for the use thereof, with intent thereby to enhance or increase the charge or expense of pilotage or pilot assistance of such ship or vessel, whether for the gain and emolument of such pilot, or for the gain or emolument of any other person or persons whomsoever, then, and in every such case the person so offending shall forfeit and pay a sum not exceeding fifty pounds nor less than ten pounds, and shall also be liable to be deprived of his licence, or suspended from acting as a pilot, at the discretion of the corporation or other authority by whom he was licensed.

Penalty on pilots for employing or requiring the employment of any boat, &c., beyond what is necessary, thereby to increase expense.

74. And be it further enacted, That in case any pilot licensed or to be licensed as aforesaid shall lend his licence to any unlicensed person to assist him in acting or claiming to act as a licensed pilot, or in case any such licensed pilot, or any person not being a pilot, but acting under pretext or colour of being a pilot, shall by drunkenness render himself incapable of conducting any ship or vessel, or shall wilfully or negligently run any ship or vessel on shore, or lose or injure the same, or the tackle or furniture thereof, or shall wilfully and knowingly conduct, lead, decoy or betray any ship or vessel into danger in any manner not already provided against by any statute or statutes, or shall unnecessarily or improperly cut any cable or cables of or belonging to any ship or vessel, or cause or procure the same to be cut unnecessarily and improperly, or if any such person shall by wilful misrepresentation of any circumstances upon

Penalty for lending licence and for drunkenness, and for conducting any vessel into danger, or injuring the same, or obtaining charge thereof by misrepresentation.

which the safety of any ship or vessel shall appear materially to depend for the time being obtain or endeavour to obtain the charge and conduct of any such ship or vessel, then, and in every such case the person so offending, or who shall aid in, procure, abet or connive at the committing of any such offence or offences, shall, besides being liable to damages at the suit of the party grieved, forfeit and pay a sum not exceeding one hundred pounds nor less than twenty pounds, and if the person so offending shall be a pilot, he shall also be liable to be deprived of his licence, or suspended from acting as a pilot, at the discretion of the corporation or other authority by whom his licence was granted.

Penalty on pilots for not obeying the orders of dock masters.

75. And whereas the dock master or dock masters appointed by divers dock companies in the port of London, under and by virtue of divers acts of Parliament, have power and authority to direct the mooring and unmooring, moving or removing of ships and other vessels, within certain distances from the entrances out of the river Thames into the docks of such companies respectively: Be it therefore enacted, that from and after the passing of this act, if any pilot having the charge and direction of any ship or vessel within such distances from the respective entrances into the said docks respectively from the river Thames, and either intended to go into or having recently come out of the docks of the said companies respectively, shall neglect or refuse to obey such orders or directions as shall or may from time to time be given to such pilot by the said dock master or dock masters respectively, under and by virtue of and agreeably to the powers vested in him and them by any act or acts of Parliament touching or relating to the mooring, unmooring, moving or removing of such ships or vessels so being under the charge or direction of such pilot as aforesaid, then and in every such case every pilot so offending shall forfeit and pay a sum not exceeding fifty pounds nor less than twenty pounds, and every such pilot shall be liable to be dismissed from being a pilot or suspended from acting as such, at the discretion of the corporation or other authority by whom such pilot was licensed.

76. *Enacts that penalties above 20l. may be recovered in the superior Courts of common law by actions commenced within twelve months after the offence.*

77. *Penalties not exceeding 20l. may be recovered within six months of the offence before justices of the peace.*

78. *Empowers justices of any county into which an offender may escape to indorse the original warrant, and to authorize the peace officers to execute it.*

79. *Witnesses not appearing may be committed to the house of correction.*

80. *Enacts that persons giving false testimony in any examination on oath under the act shall be guilty of perjury.*

81. *Provides a form of conviction.*

82. *Directs that an appeal may be made to the quarter sessions, who may finally determine the matter and award costs, and that the proceedings are not to be quashed for want of form, or removed by certiorari.*

83. *Provides for the application of penalties.*

84. *Provides for the limitation of actions, pleading the general issue, and costs.*

85. *Regulations in any act relating to pilotage in any river, &c., and which refer to the repealed statutes, to continue in force notwithstanding such repeal.*

86. *Act not to compel ships belonging to his Majesty to take pilots.*

87. *Act not to affect the jurisdiction of the Court of Loadmanage, or of the High Court of Admiralty.*

88. *Provides that the act shall not prejudice any right of the city of London.*

89. And be it further enacted, That nothing in this act contained shall extend or be construed to extend to the taking away, abridging, defeating, impeaching or interrupting of any grants, liberties, franchises or privileges heretofore granted by any charters or acts of Parliament to the pilots of the Trinity House of the town of Kingston-upon-Hull, or the Trinity House of Newcastle-upon-Tyne, or to give any authority to the corporation of the Trinity House of Deptford Strond, within any ports or districts having separate jurisdictions in matters of pilotage, under any act of Parliament or charter, or to alter or repeal any provisions contained in any act or acts of Parliament relating to the pilots of any ports or districts in relation to which particular provisions shall have been made in any act or acts of Parliament as to the pilots or pilotage, or to the pilotage within the limits prescribed by any act or acts of Parliament relating to pilotage for such ports, or to the burden of vessels navigating to or from such ports.

Act not to affect any districts having separate jurisdictions.

14 & 15 VICT. c. 102.

An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime. [8th August, 1851.]

The earlier sections of this act provide for the management of the Merchant Seamen's Fund. Section 3 and a portion of section 4 have been repealed by 38 & 39 Vict. c. 66 (The Statute Law Revision Act, 1875).

8. At each port the shipping masters appointed under the Mercantile Marine Act, 1850, or such of the said shipping masters, if more than one, as the Board of Trade directs, shall be the receivers of such contributions to the fund from masters and seamen as may be payable under the provisions hereinafter contained; and in the case of shipping masters appointed by a local marine board constituted under the said last-mentioned act, such board may, with the sanction of the Board of Trade, and in other cases the Board of Trade may appoint any clerks or servants to assist the shipping masters in the discharge of their duties as receivers; and the Board of Trade may sanction such remuneration (if any) as it may deem necessary for the discharge of such duties.

Shipping masters appointed under the Mercantile Marine Act, 13 & 14 Vict. c. 93, ss. 35, 42, 43, to act as receivers.

Sections 9 to 19 provide for the collection of the Merchant Seamen's Fund, and for the appointment of officers to administer it. Section 15 has been repealed by 38 & 39 Vict. c. 66 (The Statute Law Revision Act, 1875).

Sources and Collection of Fund.

No compulsory contributions in future.

20. After the passing of this act no master or seaman shall be compelled to pay any duty or contribution to the fund.

The latter part of this section has been repealed by 38 & 39 Vict. c. 66 (The Statute Law Revision Act, 1875).

No one who has not contributed to be allowed to contribute.

21. No master or seaman who has not contributed to the fund before the passing of this act shall be allowed to contribute thereto, or to establish any claim for a pension or other relief for himself or for his wife or children.

Those who have contributed to be allowed to continue.

22. All masters and seamen who before the passing of this act have contributed to the fund shall be allowed to continue to contribute in manner hereinafter mentioned, and shall in respect of their contributions be entitled to relief in the manner and subject to the conditions hereinafter mentioned.

Section 23 has been repealed by 38 & 39 Vict. c. 66 (The Statute Law Revision Act, 1875).

Rate and mode of voluntary contribution for men discharged before a shipping master according to 13 & 14 Vict. c. 93, s. 96.

24. In the case of masters who discharge their crews before a shipping master under the provisions of the Mercantile Marine Act, 1850, and of seamen who are so discharged, such voluntary contributions shall be as follows; (that is to say,) every master shall pay two shillings and every seaman one shilling for each calendar month of service, and the same respective sums for any further number of days of service exceeding twenty, and one-half of such respective sums for any further number of days of service exceeding ten and not exceeding twenty, and one-third of such respective sums for any further number of days not exceeding ten (such further numbers of days to be reckoned as one month, one half-month, and one-third of a month respectively); and such service shall in the case of masters and seamen respectively be reckoned from the day of their respectively signing the agreement to the day of their discharge inclusive; and such voluntary contributions shall be paid to such shipping master as aforesaid at the time of the discharge.

Rate and mode of voluntary contribution for men not discharged before a shipping master.

25. In the case of masters and seamen who do not attend before a shipping master for the purpose of discharge, such voluntary contributions as aforesaid shall be paid after the rate and in the manner following; (that is to say,) sixteen shillings shall be deemed to be the yearly contribution for a master and eight shillings the yearly contribution for a seaman, and so in proportion for any shorter period, and such sums shall be deemed to be payable quarterly in advance; and each master and seaman who wishes to contribute shall from time to time attend before some shipping master at stated periods to be appointed for the purpose by the Board of Trade, and shall then pay to him such proportions of his yearly contribution as he may think fit, so nevertheless that each such payment made at one time be either two shillings or some multiple of two shillings.

Provision for the case of men entering the navy.

26. In the case of seamen who enter the royal navy and who desire to continue their contributions to the fund, such contributions shall be according to the rate hereinbefore fixed for the case of seamen who are not discharged before a shipping master, and shall be paid in such manner as the Board of Trade directs.

Sections 27, 28, 36, 51 and 56 of this act were repealed by 16 & 17 Vict. c. 131, s. 25.

Sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 61, were repealed by the Merchant Shipping Repeal Act, 1854. The later sections of this act

provided for the distribution and management of the Merchant Seamen's Fund.

Sections 39 and 40 and portions of sections 45, 50 and 59 have been repealed by 38 & 39 Vict. c. 66 (The Statute Law Revision Act, 1875).

•• The following Act, with the exception of sects. 3, 4, 5, 8, 10, 11, 12 and 13, and so much of sect. 9 as relates to the recovery of Pilotage Rates by Cinque Port pilots licensed before the Act came into operation, has been repealed by the Merchant Shipping Repeal Act, 1854; portions of the act, therefore, only are printed.

16 & 17 VICT. c. 129.

An Act further to amend the Law relating to Pilotage.

[20th August, 1853.]

Whereas it is expedient that the right of piloting ships outwards from the port of London, and the right of piloting ships inwards to the same port, should be vested in one body of pilots, and that such pilots should be subject to uniform authority and control; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Repealed so much of 6 Geo. 4, c. 125, as relates to Cinque Port pilots, and of the whole of 9 Geo. 4, c. 86.*

*Union of
Trinity House
and Cinque
Port Pilots.*

2. *Enabling the Trinity House to license pilots for the passage from Dungeness inwards as well as outwards.*

3. All Cinque Ports pilots duly licensed and authorized before this act comes into operation to pilot any vessels from Dungeness or the Downs up the rivers Thames or Medway shall, *notwithstanding the repeal and enactment hereinbefore contained*, be authorized to pilot the like vessels within the same limits and in the same manner within and in which they might have lawfully piloted the same before the passing of this act according to the terms of their existing licences, and shall also by virtue of such existing licences (without any licence from the Trinity House in that behalf) be authorized to pilot the like vessels down the said rivers Thames and Medway, or from those rivers to the Downs or Dungeness, or from the west end of the Owers to the south buoy of the Brake, within the limits within which such existing licences authorize them to act in piloting such vessels from the Downs to the said rivers, and up the same, or from the south buoy of the Brake to the west end of the Owers; and it shall be lawful for the Trinity House by a supplemental licence to authorize any such Cinque Port pilot to pilot any vessels in any parts of the rivers Thames and Medway, or in any of the seas or channels leading to or from such rivers to which his existing licence may not extend, after examination in respect of the further limits within which he is to be so licensed to act, and upon the payment of such fee, if any, as the said Trinity House may, with the consent of the Board of Trade, appoint for the purpose; and such supplemental licence shall be taken to be part of and to be held upon the same conditions and subject to the same regulations in all respects as such existing licence (c).

*Present Cinque
Port pilots to
be competent
to pilot vessels
either inwards
or outwards
within the
limits for
which they are
now licensed.*

(c) The words printed in italics in this section have been repealed by 38 & 39 Vict. c. 66 (The Statute Law Revision Act, 1875).

APPENDIX.

The above-mentioned Cinque Port pilots to be subject to the same rules, &c. as Trinity House pilots.

4. The said Cinque Port pilots who have been so licensed as aforesaid before this act comes into operation shall be subject to all the provisions of the said act of the sixth year of King George the Fourth, chapter one hundred and twenty-five, and of any other act now in force, which relate to pilots licensed by the Trinity House, (except such of them as are contained in the fourth section of the said act of the sixth year of King George the Fourth,) and shall likewise be subject to the government and regulations of the Trinity House, and to all bye-laws, rules, orders, or ordinances duly issued by it for the purpose of insuring the good conduct and constant attendance of pilots upon their duty, and to such penalties as may be duly annexed to the breach of the said regulations, bye-laws, rules, orders, or ordinances, in the same manner and to the same extent in and to which pilots licensed by the said Trinity House are subject thereto.

Present Trinity House pilots may pilot ships inwards within the limits of their licences.

5. All pilots licensed before this act comes into operation by the said Trinity House to pilot any vessels upon the rivers Thames and Medway, or from London Bridge to the Downs, or from the Isle of Wight to London Bridge, shall be authorized to pilot the like vessels from or by Dungeness up the rivers Thames and Medway, and from the south buoy of the Brake to the westward to the end of the Owers, or within such or so much of the same limits as under their present licences they might act within in piloting such vessels down the said rivers or outwards or to the westward: Provided always, that nothing herein contained shall be deemed to confer any privilege of piloting above Gravesend and Stangate Creek respectively upon any pilots by whatever authority they may be licensed, except with the concurrence of the Trinity House in the case of each pilot.

6. *Enabling the Trinity House to make regulations for a constant supply of pilots at Dungeness.*

7. *Directing that vessels coming past Dungeness, not having a pilot already on board, should take the first qualified pilot who offered.*

Rates to be demanded for duties hitherto performed by Cinque Port pilots.

8. Until any such alteration as hereinafter provided for be made, the rates and prices to be demanded and received by all pilots performing the duties hitherto performed by Cinque Port pilots shall be such rates and prices as have immediately before this act comes into operation been lawfully demanded and received by such last-mentioned pilots; and it shall be lawful for the said Trinity House to increase, reduce, alter or modify all or any of the said rates or prices, or to substitute other rates or prices in lieu thereof, with the same consent, in the same manner, and subject to the same conditions with, in and subject to which the Trinity House is empowered to increase, reduce, alter, and modify the rates and prices to be demanded and received by pilots licensed by it, or to substitute other rates and prices in lieu of such last-mentioned rates and prices, but so that in no case shall any higher rate be imposed or demanded than might have been imposed or demanded if this act had not passed.

Existing Cinque Port pilots should have same remedies for the recovery of rates as Trinity House pilots.

Rates on foreign vessels claiming benefit of reciprocity treaties.

9. All rates and prices which may be lawfully demanded or received by the said Cinque Port pilots licensed before this act comes into operation, or by any other pilots licensed by or under the government of the Trinity House, shall be recoverable in the same manner in which rates and prices lawfully demanded or received by pilots licensed by the Trinity House under the said act of the sixth year of King George the Fourth are by that act made recoverable; and all rates or prices which may be lawfully demanded or received by any pilots under the government of the said Trinity House for the pilotage of foreign vessels, the owners, masters, agents or consignees, of which claim, by virtue of any treaty of reciprocity, to be entitled to the privileges of British vessels, shall be recoverable from the same persons, in the same manner, and subject to the same conditions

from whom and in and subject to which pilotage rates on British vessels are recoverable under the forty-fourth and forty-fifth sections of the said act.

10. All property of every kind, whether real or personal, which may belong to or be held by the Court of Loadmanage or the said Society of Cinque Port Pilots, or any branch thereof, or any officer of the said society, or any other person as trustee for the said society, or any branch thereof, or which may be legally applicable for the benefit of the said society or of the members thereof, or for any purposes connected with pilotage (including a piece of land near Dover which was by indentures of lease and release, dated respectively the sixteenth and seventeenth days of August, one thousand seven hundred and twenty-six, conveyed to trustees therein named, upon certain trusts, for the poor of the Trinity House of Dover), shall, upon the passing of this act, belong to and become vested in the Trinity House of Deptford Strond; and the said Trinity House shall have power to sell the same or any part thereof as occasion may require, and to give full discharges for the purchase money of any part thereof which may be sold; and all monies which if this act had not passed would have been paid for any purpose connected with the relief or benefit of Cinque Port pilots, their appointees, widows or issue, either in respect of surplus duties on foreign vessels, or by way of fees or contributions from Cinque Port pilots licensed before this act comes into operation, and all sums which would if this act had not passed been payable by such pilots as Trinity money or clerks fees, and all penalties or fines payable by or in respect of such pilots, shall, save as such contributions, Trinity money or clerks fees may be varied or remitted under the regulations to be made and approved as hereinafter mentioned, and save also such of the said contributions as may cease by reason of any such purchases or commutations of claims as hereinafter provided for, be paid to the Trinity House, and the said property and monies shall be carried to and form part of the pilotage funds of the Trinity House.

Property of Society of Cinque Port Pilots to be transferred to Trinity House.

Payments to Cinque Port Pilots Fund to be made henceforth to the Trinity House.

11. The said Trinity House shall, out of their said pilotage fund, pay all debts, if any, lawfully and properly incurred by the said Court of Loadmanage before this act comes into operation, and also such compensation or superannuation allowances (if any) as the Board of Trade may in its discretion allow to any persons now in the employ or service of the Court of Loadmanage, or of the Lord Warden of the Cinque Ports, or of the Society of Cinque Port Pilots, who may be deprived of salaries or emoluments by reason of the passing of this act, so that no such compensation or superannuation allowance shall exceed the proportion of salary or emoluments which might be granted under similar circumstances to a person in the public civil service under the act of the fourth and fifth years of King William the Fourth, chapter twenty-four; and may in the next place, subject to the regulations to be made and approved as hereinafter mentioned, either purchase out of the said funds the claims of all or any of the persons who, but for the passing of this act, would have been in the receipt of pensions or other relief, either out of the said Cinque Ports Pilots Fund, or under any bye-laws of the said society now in force, or who have already paid widows dues, or have otherwise contributed to the relief of superannuated Cinque Port pilots, or of the widows, appointees or issue of Cinque Port pilots, such purchases to be made upon such terms as may be determined by the said regulations, or may, subject as aforesaid, continue to pay out of the said funds pensions or other relief to all or any of the persons who might if this act had not passed have received the same out of the said funds, or under any bye-laws of the said society now in force, such pensions or other relief to be of such amount as may be determined by the said regulations to be made and approved as hereinafter mentioned; and the Trinity House may, subject to such regulations, make arrangements for

Trinity House to pay debts and to settle the claims of persons now in receipt of relief, and of existing Cinque Port pilots.

Trinity House may enable

existing
Cinque Port
pilots to pur-
chase an inter-
est in the
Trinity House
Pilots Fund.

enabling any person who, but for the passing of this act, would be entitled to a pension or other relief under the bye-laws of the said Society of Cinque Port Pilots now in force, or any Cinque Port pilot licensed before this act comes into operation, to purchase an interest in the said Trinity House Pilots Fund; and the terms of such purchase, including the amount and nature of such interest, and the consideration payable for the same, shall be determined by such regulations as aforesaid; and every Cinque Port pilot who chooses to make such purchase shall thereafter pay to the said Trinity House the same contributions, whether by way of poundage or otherwise, as are for the time being payable by pilots licensed by the Trinity House.

As to charges
on Trinity
House Pilotage
Fund, and its
future man-
agement.

12. The said Trinity House shall also out of their said pilotage funds pay all such superannuation allowances or other relief to pilots licensed by them before this act comes into operation, or to the widows and children of such pilots, as might have been payable by the said Trinity House if this act had not passed; and, subject to the charges aforesaid, the said Trinity House Pilots Fund shall be chargeable in the first instance with such expenses as the said Trinity House may duly incur in the performance of its duties in respect of pilots and pilotage, so nevertheless that no superannuation allowance to any person in the employ of the said Trinity House which is included in such expenses shall exceed the proportion of his salary which might be granted under similar circumstances to a person in the public civil service, under the act of the fourth and fifth years of King William the Fourth, chapter twenty-four, or under any other act for regulating such superannuation allowances for the time being in force; and, subject thereto, the said Trinity House Pilots Fund shall be administered by the said Trinity House for the benefit of such pilots licensed by the said Trinity House after this act comes into operation as are incapacitated for the performance of their duty by reason of age, infirmity or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only, upon such conditions and under such regulations as the said Trinity House, with the consent of the Board of Trade, may think fit to adopt; and if it appears to the said Trinity House that the contributions for the time being payable to the said Trinity House Pilots Fund are insufficient to enable them to grant allowances of proper and adequate amount, it shall be lawful for the said Trinity House, with such consent and subject to such regulations as aforesaid, from time to time to increase and alter the amount of the annual contribution, or of the poundage upon the sums earned by pilots, which under the fourth section of the said act of the sixth year of the reign of King George the Fourth, chapter one hundred and twenty-five, pilots licensed by the said Trinity House are required to pay to the said pilotage fund.

Recital of
principles upon
which claims
of Cinque Port
pilots are to be
settled.

13. And whereas it is intended that Cinque Port pilots licensed before this act comes into operation, their widows and appointees, shall, as a body, receive, under the provisions hereinbefore contained, benefits equal in amount to the benefits which they might lawfully and properly have received out of the several funds and payments so transferred to the Trinity House as aforesaid if this act had not passed: And whereas it has been estimated that the funds and payments so transferred, including the principal as well as the interest of the said funds, would, if duly applied, be sufficient to carry the said intention into effect; but in consequence of the numerous contingencies involved it is impossible to calculate with certainty the amount which will be necessary for that purpose, or to determine with precision the manner in which such amount shall be applied, and it is therefore expedient that all due claims of the said Cinque Port pilots, their widows, appointees and issue, should be provided for by the said Trinity House out of their general pilotage funds as hereinbefore provided, and that the Board of Trade and the Trinity House should be

intrusted with such powers as are necessary for settling the said claims, and for carrying into effect the provisions hereinbefore contained in respect thereof: be it enacted, That for the purpose of carrying the said intention and provisions into effect, the said Trinity House may, with the approval of the Board of Trade, from time to time make regulations for altering and determining the payments and contributions to be made by Cinque Port pilots licensed before this act comes into operation, and for settling, purchasing and commuting the claims of persons now in receipt of relief from the said Cinque Port Pilots' Fund, and of the said Cinque Port pilots licensed before this act comes into operation, their widows, appointees and issue, and for determining the terms and conditions on which such settlement is to be made; and in framing such regulations due regard shall be had to the intention hereinbefore expressed; and the said Trinity House may also, with such consent as aforesaid, from time to time make regulations for the future management of the Trinity House Pilots Fund, and also for the management and maintenance of any pilot boats or cutters belonging to the said Cinque Port pilots, or to any pilots for the time being under the government of the said Trinity House, and for the distribution of the earnings (if any) of such boats or cutters, and for the succession to, purchase of, or transfer of any interests therein; and all such regulations, after being approved of by the Board of Trade, shall be binding upon all parties (d).

Trinity House, with consent of Board of Trade, may make regulations for settling the above claims.

17 VICT. c. 5.

An Act to admit Foreign Ships to the Coasting Trade.

[23rd March, 1854.]

This act was repealed by 18 & 19 Vict. c. 96, s. 44, with a saving that all orders of council made under the repealed act should be valid notwithstanding such repeal. The 18 & 19 Vict. c. 96 was (with a like saving) repealed by 39 & 40 Vict. c. 38 (the Customs Laws Consolidation Act, 1876), s. 288. See 13 & 14 Vict. c. 21, s. 6.

17 & 18 VICT. c. 104.

An Act to amend and consolidate the Acts relating to Merchant Shipping.

[10th August, 1854.]

WHEREAS it is expedient to amend and consolidate the acts relating to Merchant Shipping: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

Preliminary.

1. This act may be cited for all purposes as "The Merchant Shipping Act, 1854."

Short title of act.

2. In the construction and for the purposes of this act (if not inco-

Interpretation of certain

(d) See the M. S. Act, 1872 (35 & 36 Vict. c. 73), s. 10.

terms in this act.

sistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them; (that is to say,)

"Her Majesty's Dominions" shall mean her Majesty's dominions strictly so called, and all territories under the government of the East India Company, and all other territories (if any) governed by any charter or licence from the Crown or Parliament of the United Kingdom:

"The United Kingdom" shall mean Great Britain and Ireland:

"British Possession" shall mean any colony, plantation, island, territory or settlement within her Majesty's dominions, and not within the "United Kingdom:" (d)

"The Treasury" shall mean the Commissioners of her Majesty's Treasury:

"The Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his office:

"The Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and foreign plantations:

"The Trinity House" shall mean the master, wardens and assistants of the guild, fraternity or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strand, in the county of Kent, commonly called the Corporation of the Trinity House of Deptford Strand:

"The Port of Dublin Corporation" shall mean the corporation for preserving and improving the port of Dublin:

"Consular Officer" shall include consul-general, consul and vice-consul, and any person for the time being discharging the duties of consul-general, consul or vice-consul:

"Receiver" shall mean any person appointed in pursuance of this act receiver of wreck:

"Pilotage Authority" shall include all bodies and persons authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage:

"Pilot" shall mean any person not belonging to a ship who has the conduct thereof:

"Qualified Pilot" shall mean any person duly licensed by any pilotage authority to conduct ships to which he does not belong:

"Master" shall include every person (except a pilot) having command or charge of any ship:

"Seaman" shall include every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship:

"Salvor" shall, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to her Majesty, mean the person in command of such ship:

"Person" shall include body corporate:

"Ship" shall include every description of vessel used in navigation not propelled by oars: (e)

"Foreign-going Ship" shall include every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney and Man, and the continent of Europe between the river Elbe and Brest inclusive:

"Home-trade Ship" shall include every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney and Man,

(d) See the M. S. (Colonial) Act, 1869 (32 Vict. c. 11), s. 7.

(e) See *Ex parte Ferguson*, L. R., 6 Q. B. 280.

and the continent of Europe between the river Elbe and Brest inclusive:

"Home-trade Passenger Ship" shall mean every home-trade ship employed in carrying passengers:

"Lighthouses" shall, in addition to the ordinary meaning of the word, include floating and other lights exhibited for the guidance of ships, and "buoys and beacons" shall include all other marks and signs of the sea:

"Wreck" shall include jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water (f).

3. This act shall come into operation on the first day of May, one thousand eight hundred and fifty-five.

Commencement of act.

4. This act shall not, except as hereinafter specially provided, apply to ships belonging to her Majesty.

Exemption of her Majesty's ships.

5. This act shall be divided into eleven parts:

Division of act.

The first part relating to the Board of Trade: its general functions:

The second part to British ships: their ownership, measurement, and registry:

The third part to masters and seamen:

The fourth part to safety and prevention of accidents:

The fifth part to pilotage:

The sixth part to lighthouses:

The seventh part to the Mercantile Marine Fund:

The eighth part to wrecks, casualties and salvage:

The ninth part to liability of shipowners:

The tenth part to legal procedure:

The eleventh part to miscellaneous matters.

PART I.

Functions of Board of Trade.

THE BOARD OF TRADE: ITS GENERAL FUNCTIONS.

6. The Board of Trade shall be the department to undertake the general superintendence of matters relating to merchant ships and seamen, and shall be authorized to carry into execution the provisions of this act, and of all other acts relating to merchant ships and seamen in force for the time being, other than such acts as relate to the revenue.

Board of Trade to be department to superintend merchantshipping.

7. All documents whatever purporting to be issued or written by or under the direction of the Board of Trade, and purporting either to be sealed with the seal of such Board, or to be signed by one of the secretaries or assistant secretaries to such Board, shall be received in evidence, and shall be deemed to be issued or written by or under the direction of the said Board, without further proof, unless the contrary be shown; and all documents purporting to be certificates issued by the Board of Trade in pursuance of this act, and to be sealed with the seal of such Board, or to be signed by one of the officers of the marine department of such Board, shall be received in evidence, and shall be deemed to be such certificates, without further proof, unless the contrary be shown.

Certificates and documents purporting to be sealed or signed in a given manner to be received in evidence.

8. The Board of Trade may from time to time prepare and sanction forms of the various books, instruments and papers required by this act other than those required by the second part thereof, and may from time to time make such alterations therein as it deems requisite; and shall,

Board of Trade to issue forms of instruments.

(f) See *The Zeta*, 4 L. R., A. & E. 460, and 31 & 32 Vict. c. 45, s. 21.

before finally issuing or altering any such form, give such public notice thereof as it deems necessary in order to prevent inconvenience; and shall cause every such form to be sealed with such seal as aforesaid, or marked with some other distinguishing mark, and to be supplied at the custom houses and shipping offices of the United Kingdom free of charge, or at such moderate prices as it may from time to time fix, or may license any person to print and sell the same; and every such book, instrument and paper as aforesaid shall be made in the form issued by the Board of Trade, and sanctioned by it as the proper form for the time being; and no such book, instrument or paper as aforesaid, unless made in such form, shall be admissible in evidence in any civil proceeding on the part of any owner or master of any ship; and every such book, instrument or paper, if made in a form purporting to be a proper form, and to be sealed or marked as aforesaid, shall be taken to be made in the form hereby required, unless the contrary is proved.

Certain forms and instruments to be exempt from stamp duty.

9. All instruments used in carrying into effect the second part of this act, if not already exempted from stamp duty, and all instruments which by the third, fourth, sixth or seventh parts of this act are required to be made in forms sanctioned by the Board of Trade, if made in such forms, and all instruments used by or under the direction of the Board of Trade in carrying such parts of this act into effect, shall be exempt from stamp duty.

Penalties for forgery of seal and fraudulent alteration of forms, and for not using forms issued by Board of Trade.

10. Every person who forges, assists in forging, or procures to be forged, such seal or other distinguishing mark as aforesaid, or who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any form issued by the Board of Trade, with the view of evading any of the provisions of this act or any condition contained in such form, shall for each offence be deemed guilty of a misdemeanor; and every person who, in any case in which a form sanctioned by the Board of Trade is, by the third part of this act required to be used, uses without reasonable excuse any form not purporting to be so sanctioned, or who prints, sells or uses any document purporting to be a form so sanctioned, knowing the same not to be so sanctioned for the time being or not to have been prepared and issued by the Board of Trade, shall for each such offence incur a penalty not exceeding ten pounds.

Application of monies and fines paid to Board of Trade.

11. Subject to the provisions hereinafter contained, all fees and payments (other than fines) coming to the hands of the Board of Trade under the third and fourth parts of this act, shall be carried to the account of the Mercantile Marine Fund hereinafter mentioned, and shall be dealt with as herein prescribed in that behalf; and all fines coming to the hands of the Board of Trade under this act shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Returns to Board of Trade.

12. All consular officers, and all officers of customs abroad, and all local marine boards and shipping masters, shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as such Board requires; and all shipping masters shall, whenever required by the Board of Trade, produce to such Board or to its officers all official log-books and other documents which, in pursuance of this act, are delivered to them.

Officers of Board of Trade, naval officers, consuls, the re-

13. Every officer of the Board of Trade, and every commissioned officer of any of her Majesty's ships on full pay, and every British consular officer, and the registrar-general of seamen and his assistant, and every chief officer of customs in any place in her Majesty's dominions, and every

shipping master, may, in cases where he has reason to suspect that the provisions of this act or the laws for the time being relating to merchant seamen and to navigation are not complied with, exercise the following powers; (that is to say,)

gistrar-general of seamen, officers of customs and shipping masters, may inspect documents and muster crews.

He may require the owner, master or any of the crew of any British ship to produce any official log-books or other documents relating to such crew or any member thereof in their respective possession or control:

He may require any such master to produce a list of all persons on board his ship, and take copies of such official log-books, or documents, or of any part thereof:

He may muster the crew of any such ship:

He may summon the master to appear and give any explanation concerning such ship or her crew or the said official log-books or documents:

And if, upon requisition duly made by any person so authorized in that behalf as aforesaid, any person refuses or neglects to produce any such official log-book or document as he is hereinbefore required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such muster of a crew as aforesaid, or refuses or neglects to give any explanation which he is hereinbefore required to give, or knowingly misleads or deceives any person hereinbefore authorized to demand any such explanation, he shall for each such offence incur a penalty not exceeding twenty pounds.

14. The Board of Trade may from time to time, whenever it seems expedient to them so to do, appoint any person, as an inspector, to report to them upon the following matters; (that is to say,)

Board of Trade may appoint inspectors.

- (1.) Upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused:
- (2.) Whether the provisions of this act, or any regulations made under or by virtue of this act have been complied with:
- (3.) Whether the hull and machinery of any steam ship are sufficient and in good condition.

15. Every such inspector as aforesaid shall have the following powers; (that is to say,)

Powers of inspectors.

- (1.) He may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which the provisions of this act apply, not unnecessarily detaining or delaying her from proceeding on any voyage:
- (2.) He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:
- (3.) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:
- (4.) He may require and enforce the production of all books, papers or documents which he considers important for such purpose:
- (5.) He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination:

And every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any Court of Record, or if in Scotland, to any witness attending on citation the Court of Justiciary; and in case of any dispute as to the

Witnesses to be allowed expenses;

penalty for refusing to give evidence.

amount of such expenses the same shall be referred by the inspector to one of the masters of her Majesty's Court of Queen's Bench in England or Ireland, or to the Queen's and Lord Treasurer's Remembrancer in Scotland, who, on a request made to him for that purpose under the hand of the said inspector, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such inspector, after having been required so to do in the manner hereby directed and after having had a tender made to him of the expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which any such inspector is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

Penalty for obstructing inspectors in the execution of their duty.

16. Every person who wilfully impedes any such inspector appointed by the Board of Trade as aforesaid in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding ten pounds, and may be seized and detained by such inspector or other person, or by any person or persons whom he may call to his assistance, until such offender can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

PART II.

BRITISH SHIPS: THEIR OWNERSHIP, MEASUREMENT AND REGISTRY.

Application.

Application of Part II. of act.

17. The second part of this act shall apply to the whole of her Majesty's dominions.

Application.

Description and Ownership of British Ships.

Description and ownership of British ships.

Description and Ownership of British Ships.

18. No ship shall be deemed to be a British ship unless she belongs wholly to owners of the following description; (that is to say,)

(1.) Natural-born British subjects:

Provided that no natural-born subject who has taken the oath of allegiance to any foreign sovereign or state shall be entitled to be such owner as aforesaid, unless he has subsequently to taking such last-mentioned oath taken the oath of allegiance to her Majesty (g), and is and continues to be during the whole period of his so being an owner resident in some place within her Majesty's dominions, or if not so resident, member of a British factory, or partner in a house actually carrying on business in the United Kingdom or in some other place within her Majesty's dominions:

(2.) Persons made denizens by letters of denization, or naturalized by or pursuant to any act of the imperial legislature, or by or pursuant to any act or ordinance of the proper legislative authority in any British possession:

Provided that such persons are and continue to be during the whole period of their so being owners resident in some place within her Majesty's dominions, or if not so resident, members of a British factory, or partners in a house actually carrying on business in the United Kingdom or in some other place within her Majesty's

(g) This provision is not to be affected by anything contained in the Promissory Oaths Act, 1868 (31 & 32 Vict. c. 72), except that the form of the oath of allegiance as proscribed by

that act shall be substituted for the "form of the oath of allegiance contained in the M. S. Act, 1854" (31 & 32 Vict. c. 72), s. 14, sub-s. 8.

dominions, and have taken the oath of allegiance to her Majesty subsequently to the period of their being so made denizens or naturalized :

- (3.) Bodies corporate established under, subject to the laws of, and having their principal place of business in the United Kingdom or some British possession.

19. Every British ship must be registered in manner hereinafter mentioned, except,

- (1.) Ships duly registered before this act comes into operation :
- (2.) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of such ships are resident :
- (3.) Ships not exceeding thirty tons burden, and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the gulf of St. Lawrence, or on such portion of the coasts of Canada, Nova Scotia or New Brunswick as lie bordering on such gulf :

British ships with certain exceptions must be registered.

And no ship hereby required to be registered shall, unless registered, be recognized as a British ship; and no officer of customs shall grant a clearance or transire to any ship hereby required to be registered for the purpose of enabling her to proceed to sea as a British ship, unless the master of such ship, upon being required so to do, produces to him such certificate of registry as is hereinafter mentioned; and if such ship attempts to proceed to sea as a British ship without a clearance or transire, such officer may detain such ship until such certificate is produced to him.

Measurement of Tonnage.

20. Throughout the following rules the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships; and in carrying such rules into effect all measurement shall be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

Measurement of Tonnage.

Tonnage deck, feet, decimals.

RULE I.

21. The tonnage of every ship to be registered, with the exceptions mentioned in the next section, shall, previously to her being registered, be ascertained by the following rule, hereinafter called Rule I.; and the tonnage of every ship to which such rule can be applied, whether she is about to be registered or not, shall be ascertained by the same rule :

For ships to be registered, and other ships of which the hold is clear.

- (1.) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:

Lengths.

Table.

- Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, in 4 equal parts :
- „ 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts :
- „ 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts :

Class 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

„ 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts.

Transverse
areas.

(2.) Then, the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such ship at each point of division of the length as follows:—measure the depth at each point of division, from a point at a distance of one third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (i. e. numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number then from above as before; multiply the second, fourth and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth, and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Computation
from areas.

(3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage of the ship in the following manner:—Number the areas successively 1, 2, 3, &c., No. 1 being at the extreme limit of the length at the bow, and the last No. at the extreme limit of the length at the stern; then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3 and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient being the tonnage under the tonnage deck shall be deemed to be the register tonnage of the ship, subject to the additions and deductions hereinafter mentioned.

Poop and any
other closed-in
space.

(4.) If there be a break, a poop, or any other permanent closed-in space on the upper deck (*h*), available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:—Measure the internal mean length of such space in feet, and divide it into two equal parts; measure at

(*h*) See *The Franconia*, 3 P. D.

the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage deck, ascertained as aforesaid, subject to the following provisos; first, that nothing shall be added for a closed-in space solely appropriated to the berthing of the crew, unless such space exceeds one-twentieth of the remaining tonnage of the ship, and in case of such excess the excess only shall be added; and, secondly, that nothing shall be added in respect of any building erected for the shelter of deck passengers, and approved by the Board of Trade.

- (5.) If the ship has a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of such space; measure the mean height of such space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the ship ascertained as aforesaid; and if the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

In case of two
or more decks.

RULE II.

22. Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by the rule above given, shall be measured by the following rule, hereinafter called Rule II.:

For ships not
requiring re-
gistry with
cargo on
board.

- (1.) Measure the length on the upper deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girth the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of the ship taken as aforesaid; then multiply this product by the factor .0018 (eighteen ten-thousandths) in the

Length.

Breadth.

Girthing of the
ship.

case of ships built of wood and '0021 (twenty-one ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to the additions and deductions hereinafter mentioned.

Poop and other closed-in spaces on upper deck.

- (2.) If there be a break, a poop or other closed-in space on the upper deck, the tonnage of such space shall be ascertained by multiplying together the mean length, breadth and depth of such space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the tonnage of such space, and shall, subject to the deduction for a closed-in space appropriated to the crew as mentioned in Rule I., be added to the tonnage of the ship ascertained as aforesaid.

RULE III.

Allowance for engine room in steamers.

23. In every ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as aforesaid, and the remainder shall be deemed to be the register tonnage of such ship; and such deduction shall be estimated as follows; (that is to say.)

To be rateable in ordinary steamers.

- (a.) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above twenty per cent. and under thirty per cent. of the gross tonnage of the ship, such deduction shall be thirty-seven one-hundredths of such gross tonnage; and in ships propelled by screws in which the tonnage of such space is above thirteen per cent. and under twenty per cent. of such gross tonnage, such deduction shall be thirty-two one-hundredths of such gross tonnage:

May be measured where the space is unusually large or small.

- (b.) As regards all other ships, the deduction shall, if the Commissioners of Customs (i) and the owner both agree thereto, be estimated in the same manner; but either they or he may in their or his discretion require the space to be measured and the deduction estimated accordingly; and whenever such measurement is so required the deduction shall consist of the tonnage of the space actually occupied by or required to be inclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle wheels of one half, and in the case of ships propelled by screws of three-fourths of the tonnage of such space; and the measurement and use of such space shall be governed by the following rules; (that is to say.)

Mode of measurement.

- (1.) Measure the mean depth of the space from its crown to the ceiling at the limber strake, measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of such measurements at each end, and another at the middle of the length; take the mean of such breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery; multiply together these three dimensions of length, breadth and depth, and the product will be the cubical contents of the space below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100 and the result shall be deemed to be the tonnage of the said space:

In case of separate compartments.

- (2.) If in any ship in which the space aforesaid is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to

(i) See M. S. Act, 1872 (35 & 36 Vict. c. 73), s. 3, substituting the Board of

Trade for the Commissioners of Customs where named in this section.

the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space :

- (3.) In the case of screw steamers in which the space aforesaid is to be measured, the contents of the shaft trunk shall be added to and deemed to form part of such space, and shall be ascertained by multiplying together the mean length, breadth and depth of the trunk, and dividing the product by 100 : Shaft trunk of screw steamer.
- (4.) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of such space, or if any cabins be fitted in such space, such ship shall be deemed to be a ship not registered until remeasurement : Alteration of engine room.
- (5.) If in any ship in which the space aforesaid is to be measured any goods or stores are stowed or carried in such space, the master and owner shall each be liable to a penalty not exceeding one hundred pounds. Penalty for carrying goods in such space.

24. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length. RULE IV.
Open ships how measured.

Sect. 25 was repealed by the Merchant Shipping Act, 1871 (34 & 35 Vict. c. 110), s. 12.

26. Whenever the tonnage of any ship has been ascertained and registered in accordance with the provisions of this act, the same shall thenceforth be deemed to be the tonnage of such ship, and be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of such ship, or unless it is discovered that the tonnage of such ship has been erroneously computed; and in either of such cases such ship shall be remeasured, and her tonnage determined and registered according to the rules hereinbefore contained in that behalf. Tonnage when once ascertained to be ever after deemed the tonnage.

27. The rules for the measurement of tonnage herein contained shall not make it necessary to alter the present registered tonnage of any British ship registered before this act comes into operation; but if the owner of any such ship desires to have the same remeasured according to such rules, he may apply to the Commissioners of Customs (i) for the purpose, and such commissioners shall thereupon, and on payment of such reasonable charge for the expenses of remeasurement, not exceeding the sum of seven shillings and sixpence for each transverse section, as they may authorize, direct such remeasurement to be made, and such ship shall thereupon be remeasured according to such rules as aforesaid, or according to such of them as may be applicable; and the number denoting the register tonnage shall be altered accordingly. Remeasurement of ships already registered may be made, but not to be compulsory.

28. If it appears to the Commissioners of Customs (j) that in any steam ship measured before this act comes into operation store rooms or coal bunkers have been introduced into or thrown across the engine room, so that the deduction from the tonnage on account of the engine room is larger than it ought to be, the said commissioners may, if they think fit, direct such engine room to be remeasured according to the rules in force before this act comes into operation, excluding the space occupied by such store rooms or coal bunkers, or may, if the owners so desire, cause the ship to be remeasured according to the rules hereinbefore contained, and subject to the conditions contained in the last preceding section; and after remeasurement the said commissioners (k) shall cause the ship to be Power to remeasure engine rooms improperly extended.

(j) See M. S. Act, 1872 (35 & 36 Vict. c. 73), s. 3, substituting the Board of Trade for the Commissioners of Customs where named in these sections.

(k) See *The City of Dublin Steam Packet Co. v. Thompson*, L. R., 1 C. P. 355.

registered anew, or the registry thereof to be altered, as the case may require.

Officers may be appointed and regulations made for measurement of ships.

29. The Commissioners of Customs (*l*) may, with the sanction of the Treasury, appoint such persons to superintend the survey and admeasurement of ships as they think fit; and may, with the approval of the Board of Trade, make such regulations for that purpose as may be necessary; and also, with the like approval, make such modifications and alterations as from time to time become necessary in the tonnage rules hereby prescribed, in order to the more accurate and uniform application thereof, and the effectual carrying out of the principle of admeasurement therein adopted (*m*).

Registry of British Ships.

Registrars of British ships.

Registry of British Ships.

30. The following persons are required to register British ships, and shall be deemed registrars for the purposes of this act; (that is to say,)

- (1.) At any port or other place in the United Kingdom or Isle of Man approved by the Commissioners of Customs for the registry of ships, the collector, comptroller or other principal officer of customs for the time being;
- (2.) In the Islands of Guernsey and Jersey, the principal officers of her Majesty's customs, together with the governor, lieutenant-governor or other person administering the government of such islands respectively;
- (3.) In Malta, Gibraltar and Heligoland, the governor, lieutenant-governor or other person administering the government of such places respectively;
- (4.) At any port or place so approved as aforesaid within the limits of the charter but not under the government of the East India Company, and at which no custom house is established, the collector of duties, together with the governor, lieutenant-governor or other person administering the government;
- (5.) At the ports of Calcutta, Madras and Bombay, the master attendants, and at any other port or place so approved as aforesaid within the limits of the charter and under the government of the East India Company, the collector of duties, or any other person of six years' standing in the civil service of the said company who is appointed by any of the governments of the said company to act for this purpose;
- (6.) At every other port or place so approved as aforesaid within her Majesty's dominions abroad, the collector, comptroller or other principal officer of customs or of navigation laws, or if there is no such officer resident at such port or place, the governor, lieutenant-governor or other person administering the government of the possession in which such port or place is situate (*n*).

Substitution of governor abroad for Commissioners of Customs, and of consul for justice.

31. The governor, lieutenant-governor or other person administering the government in any British possession where any ship is registered under the authority of this act shall, with regard to the performance of any act or thing relating to the registry of a ship or of any interest therein, be considered in all respects as occupying the place of the Commissioners of Customs; and any British consular officer shall, in any place where there is no justice of the peace, be authorized to take any declaration hereby required or permitted to be made in the presence of a justice of the peace.

Registrar to keep register books.

32. Every registrar shall keep a book, to be called "The Register Book," and enter therein the particulars hereinafter required to be registered.

(*l*) See M. S. Act, 1872 (35 & 36 Vict. c. 73), s. 3, substituting the Board of Trade for the Commissioners of Customs where named in these sections.

(*m*) *The City of Dublin Steam Packet Co. v. Thompson*, L. R., 1 C. P. 355.

(*n*) See the Merchant Shipping (Colonial) Act, 1869, s. 6.

33. The port or place at which any British ship is registered for the time being shall be considered her port of registry or the port to which she belongs. Port of registry of British ship.

Sect. 34 was repealed by the Merchant Shipping Act, 1871 (34 & 35 Vict. c. 110), s. 12.

35. Every application for the registry of a ship shall in the case of individuals be made by the person requiring to be registered as owner, or by some one or more of such persons if more than one, or by his or their duly authorized agent, and in the case of bodies corporate by their duly authorized agent; the authority of such agent, if appointed by individuals, to be testified by some writing under the hands of the appointors, and if appointed by a body corporate, by some instrument under the common seal of such body corporate. Application for registry, by whom to be made.

36. Before registry, the ship shall be surveyed by a person duly appointed under this act; and such surveyor shall grant a certificate in the form marked A. in the schedule hereto (o), specifying her tonnage, build and such other particulars descriptive of the identity of the ship as may from time to time be required by the Board of Trade; and such certificate shall be delivered to the registrar before registry. Survey of ship.

37. The following rules shall be observed with respect to entries in the register book; (that is to say,) Rules as to entries in register book.

- (1.) The property in a ship shall be divided into sixty-four shares:
- (2.) Subject to the provisions with respect to joint owners or owners by transmission hereinafter contained, not more than thirty-two individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner:
- (3.) No person shall be entitled to be registered as owner of any fractional part of a share in a ship; but any number of persons, not exceeding five, may be registered as joint owners of a ship or of a share or shares therein:
- (4.) Joint owners shall be considered as constituting one person only as regards the foregoing rule relating to the number of persons entitled to be registered as owners, and shall not be entitled to dispose in severalty of any interest in any ship or in any share or shares therein in respect of which they are registered:
- (5.) A body corporate may be registered as owner by its corporate name.

38. No person shall be entitled to be registered as owner of a ship or any share therein until he has made and subscribed a declaration in the form marked B. in the schedule hereto (p), referring to the ship as described in the certificate of the surveyor, and containing the following particulars; (that is to say,) Declaration of ownership by individual owner.

- (1.) A statement of his qualification to be an owner of a share in a British ship:
- (2.) A statement of the time when and the place where such ship was built, or (if the ship is foreign-built, and the time and place of building not known,) a statement that she is foreign-built, and that he does not know the time or place of her building; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or (in the case of a ship condemned) a statement of the time, place and court at and by which she was condemned:
- (3.) A statement of the name of the master:

(o) For the form now in use see *post*, (p) See *post*, "Forms," No. 2.
 "Forms," No. 1.

- (4.) A statement of the number of shares in such ship of which he is entitled to be registered as owner :
- (5.) A denial that, to the best of his knowledge and belief, any unqualified person or body of persons is entitled as owner to any legal or beneficial interest in such ship or any share therein :

The above declaration of ownership shall be made and subscribed in the presence of the registrar if the declarant reside within five miles of the custom house of the port of registry, but if beyond that distance, in the presence of any registrar or of any justice of the peace.

Declaration of ownership by body corporate.

39. No body corporate shall be entitled to be registered as owner of a ship or of any share therein until the secretary or other duly appointed public officer of such body corporate has made and subscribed in the presence of the registrar of the port of registry a declaration in the form marked C. (o) in the schedule hereto, referring to the ship as described in the certificate of the surveyor, and containing the following particulars ; (that is to say,)

- (1.) A statement of such circumstances of the constitution and business of such body corporate as prove it to be qualified to own a British ship :
- (2.) A statement of the time when and the place where such ship was built, or (if the ship is foreign-built, and the time and place of building unknown) a statement that she is foreign-built, and that he does not know the time or place of her building ; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or (in the case of a ship condemned) a statement of the time, place and court at and by which she was condemned :
- (3.) A statement of the name of the master :
- (4.) A statement of the number of shares in such ship of which such body corporate is owner :
- (5.) A denial that, to the best of his knowledge and belief, any unqualified person or body of persons is entitled as owner to any legal or beneficial interest in such ship or any share therein.

Evidence to be produced on registry.

40. Upon the first registry of a ship there shall, in addition to the declaration of ownership, be produced the following evidence ; (that is to say,)

- (1.) In the case of a British-built ship, a certificate (which the builder is hereby required to grant under his hand) containing a true account of the proper denomination and of the tonnage of such ship as estimated by him, and of the time when and of the place where such ship was built, together with the name of the party (if any) on whose account he has built the same, and, if any sale or sales have taken place, the bill or bills of sale under which the ship or share therein has become vested in the party requiring to be registered as owner :
- (2.) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the person requiring to be registered as owner, or, in the case of a body corporate, the duly appointed officer, declares that the time or place of her building is unknown, or that the builder's certificate cannot be procured, in which case there shall be required only the bill or bills of sale under which the ship or share therein became vested in the party requiring to be registered as owner thereof :
- (3.) In the case of a ship condemned by any competent court, an official copy of the condemnation of such ship.

Penalty on builder for false certificate.

41. If any builder wilfully makes a false statement in any certificate hereby required to be granted by him, he shall for every such offence incur a penalty not exceeding one hundred pounds.

(o) See *post*, "Forms," No. 8.

42. As soon as the foregoing requisites to the due registry of a ship have been complied with, the registrar shall enter in the register book the following particulars relating to such ship; (that is to say,)

Particulars of
entry in re-
gister book.

- (1.) The name of the ship and of the port to which she belongs:
- (2.) The details as to her tonnage, build and description comprised in the certificate hereinbefore directed to be given by the surveyor:
- (3.) The several particulars as to her origin stated in the declaration or declarations of ownership:
- (4.) The names and descriptions of her registered owner or owners, and if there is more than one such owner, the proportions in which they are interested in such ship.

43. No notice of any trust, express, implied or constructive, shall be entered in the register book, or receivable by the registrar; and, subject to any rights and powers appearing by the register book to be vested in any other party, the registered owner of any ship or share therein shall have power absolutely to dispose in manner hereinafter mentioned of such ship or share, and to give effectual receipts for any money paid or advanced by way of consideration (j).

No notice
taken of
trusts.

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Certificate of
Registry.

Certificate of Registry.

44. Upon the completion of the registry of any ship the registrar shall grant a certificate of registry in the form marked D. (k) in the schedule hereto, comprising the following particulars; (that is to say,)

Certificate of
registry to be
granted.

- (1.) The name of the ship and of the port to which she belongs:
- (2.) The details as to her tonnage, build and description comprised in the certificate hereinbefore directed to be given by the surveyor:
- (3.) The name of her master:
- (4.) The several particulars as to her origin stated in the declaration or declarations of ownership:
- (5.) The names and descriptions of her registered owner or owners, and if there is more than one such owner, the proportions in which they are respectively interested, indorsed upon such certificate.

45. Whenever any change takes place in the registered ownership of any ship, then, if such change occurs at a time when the ship is at her port of registry, the master shall forthwith deliver the certificate of registry to the registrar, and he shall indorse thereon a memorandum of such change; but if such change occurs during the absence of the ship from her port of registry, then upon her first return to such port the master shall deliver the certificate of registry to the registrar, and he shall endorse thereon a like memorandum of the change; or if she previously arrives at any port where there is a British registrar, such registrar shall, upon being advised by the registrar of her port of registry of the change having taken place, indorse a like memorandum thereof on the certificate of registry, and may for that purpose require the certificate to be delivered to him, so that the ship be not thereby detained; and any master who fails to deliver to the registrar the certificate of registry as hereinbefore required shall incur a penalty not exceeding one hundred pounds.

Change of
owners to be
indorsed on
certificate of
registry.

46. Whenever the master of any British registered ship is changed, the following persons, that is to say, if such change is made in consequence of the sentence of any Naval Court, the presiding officer of such Court, but if the change takes place from any other cause, the registrar, or if there is no registrar, the British consular officer resident at the port where such change takes place, shall indorse on the certificate of registry a memorandum of such change, and subscribe his name to such indorsement, and forthwith report the change of master to the Commissioners of Customs in

Change of
master to be
indorsed on
certificate of
registry.

(j) See M. S. Act, 1862, s. 3.

(k) See the form now in use, *post*, "Forms," No. 9.

London (k); and the officers of customs at any port situate within her Majesty's dominions may refuse to admit any person to do any act at such port as master of any British ship, unless his name is inserted in or indorsed upon the certificate of registry of such ship as the last appointed master thereof.

Power to
grant new
certificate.

47. The registrar may, with the sanction of the Commissioners of Customs, upon the delivery up to him of the former certificate of registry, grant a new certificate in the place of the one so delivered up.

Provision in
case of loss of
certificate.

48. In the event of the certificate of registry of any ship being mislaid, lost or destroyed, if such event occurs at any port in the United Kingdom, the ship being registered in the United Kingdom, or at any port in any British possession, the ship being registered in the same British possession, then the registrar of her port of registry shall grant a new certificate of registry in lieu of and as a substitute for her original certificate of registry; but if such event occurs elsewhere, the master or some other person having knowledge of the circumstances shall make a declaration before the registrar of any port having a British registrar at which such ship is at the time or first arrives after such mislaying, loss or destruction; and such declaration shall state the facts of the case, and the names and descriptions of the registered owners of such ship, to the best of the declarant's knowledge and belief; and the registrar shall thereupon grant a provisional certificate as near to the form appointed by this act as circumstances permit, and shall insert therein a statement of the circumstances under which such provisional certificate is granted.

Provisional
certificate to be
delivered up.

49. Every such provisional certificate shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if registered in the United Kingdom, or if registered elsewhere, at her port of discharge in the British possession within which her port of registry is situate, be delivered up to the registrar thereof, who shall thereupon grant a new one, as near to the form appointed by this act as circumstances permit; and if the master neglects to deliver up such certificate within such time, he shall incur a penalty not exceeding fifty pounds.

Custody of cer-
tificate.

50. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest whatsoever which any owner, mortgagee or other person may have or claim to have on or in the ship described in such certificate; and if any person whatever, whether interested or not in the ship, refuses on request to deliver up such certificate when in his possession or under his control to the person for the time being entitled to the custody thereof for the purposes of such lawful navigation as aforesaid, or to any registrar, officer of the customs or other person legally entitled to require such delivery, it shall be lawful for any justice, by warrant under his hand and seal, or for any Court capable of taking cognizance of such matter, to cause the person so refusing to appear before him and to be examined touching such refusal; and unless it is proved to the satisfaction of such justice or Court that there was reasonable cause for such refusal, the offender shall incur a penalty not exceeding one hundred pounds; but if it is made to appear to such justice or Court that the certificate is lost, the party complained of shall be discharged, and such justice or Court shall thereupon certify that the certificate of registry is lost.

Delivery of
certificate may
be required.

Penalty for de-
tention.

Mode of pro-
ceeding if de-

51. If the person charged with such detainer or refusal is proved to have absconded, so that the warrant of the justice or process of the Court

(k) See sect. 4 of the M. S. A. 1872, substituting the Registrar-General of Shipping and Seamen for the Com-

missioners of Customs where named in this section.

cannot be served upon him, or if he persists in his refusal to deliver the certificate, such justice or Court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate of registry mislaid, lost, or destroyed, or as near thereto as circumstances permit.

taining party
abscond.

52. If the master or owner of any ship uses or attempts to use for the navigation of such ship a certificate of registry not legally granted in respect of such ship, he shall be guilty of a misdemeanor, and it shall be lawful for any commissioned officer on full pay in the military or naval service of her Majesty, or any British officer of customs, or any British consular officer, to seize and detain such ship, and to bring her for adjudication before the High Court of Admiralty in England or Ireland or any Court having admiralty jurisdiction in her Majesty's dominions; and if such Court is of opinion that such use or attempt at use has taken place, it shall pronounce such ship, with her tackle, apparel and furniture, to be forfeited to her Majesty, and may award such portion of the proceeds arising from the sale of such ship as it may think just to the officer so bringing in the same for adjudication.

Penalty for
using improper
certificate.

53. If any registered ship is either actually or constructively lost, taken by the enemy, burnt or broken up, or if by reason of a transfer to any persons not qualified to be owners of British ships, or of any other matter or thing, any such ship as aforesaid ceases to be a British ship, every person who at the time of the occurrence of any of the aforesaid events owns such ship or any share therein shall, immediately upon obtaining knowledge of any such occurrence, if no notice thereof has already been given to the registrar at the port of registry of such ship, give such notice to him, and he shall make an entry thereof in his register book; and, except in cases where the certificate of registry is lost or destroyed, the master of every ship so circumstanced as aforesaid shall immediately, if such event occurs in port, but if the same occurs elsewhere, then within ten days after his arrival in port, deliver the certificate of registry of such ship to the registrar, or, if there be no registrar, to the British consular officer at such port, and such registrar if he is not himself the registrar of her port of registry, or such British consular officer, shall forthwith forward the certificate so delivered to him to the registrar of the port of registry of the ship; and every owner and master who, without reasonable cause, makes default in obeying the provisions of this section shall for each offence incur a penalty not exceeding one hundred pounds (7).

Certificate of
ship lost or
ceasing to be
British to be
delivered up.

54. If any ship becomes the property of persons qualified to be owners of British ships at any foreign port, the British consular officer resident at such port may grant the master of such ship, upon his application, a provisional certificate, stating—

Provisional
certificate for
ship becoming
vested in Brit-
ish owners at
foreign port.

- The name of the ship;
- The time and place of her purchase, and the names of her purchasers;
- The name of her master;
- The best particulars as to her tonnage, build and description that he is able to obtain;

And he shall forward a copy of such certificate, at the first convenient opportunity, to the Commissioners of Customs in London (m); the certificates so granted shall possess the same force as a certificate of registry until the expiration of six months, or until such earlier time as the ship arrives at some port where there is a British registrar; but upon the expiration of such period, or upon arrival at such port, shall be void to all intents.

(7) See M. S. Act, 1873, s. 6.

(m) See sect. 4 of the M. S. A. 1872, substituting the Registrar-General of Shipping and Seamen for the Commissioners of Customs where named in this section.

Transfers and Transmissions.

Transfer of ships or shares therein.

Declaration to be made by transferee.

Registration of transfer.

Transmission of shares by death, bankruptcy or marriage.

Proof of transmission by bankruptcy,

Transfers and Transmissions.

55. A registered ship or any share therein, when disposed of to persons qualified to be owners of British ships, shall be transferred by bill of sale; and such bill of sale shall contain such description of the ship as is contained in the certificate of the surveyor, or such other description as may be sufficient to identify the ship to the satisfaction of the registrar, and shall be according to the form marked E. (n) in the schedule hereto, or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of and be attested by one or more witnesses.

56. No individual shall be entitled to be registered as transferee of a ship or any share therein until he has made a declaration in the form marked F. in the schedule hereto, stating his qualification to be registered as owner of a share in a British ship, and containing a denial similar to the denial hereinbefore required to be contained in a declaration of ownership by an original owner; and no body corporate shall be entitled to be registered as transferee of a ship or any share therein until the secretary or other duly appointed public officer of such body corporate has made a declaration in the form marked G. in the schedule hereto, stating the name of such body corporate, and such circumstances of its constitution and business as may prove it to be qualified to own a British ship, and containing a denial similar to the denial hereinbefore required to be contained in a declaration of ownership made on behalf of a body corporate: in the case of an individual, the above declaration shall be made, if he reside within five miles of the custom house of the port of registry, in the presence of the registrar, but if beyond that distance in the presence of any registrar or of any justice of the peace; in the case of a body corporate the declaration shall be made in the presence of the registrar of the port of registry (o).

57. Every bill of sale for the transfer of any registered ship, or of any share therein, when duly executed, shall be produced to the registrar of the port at which the ship is registered, together with the declaration hereinbefore required to be made by a transferee; and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share comprised in such bill of sale, and shall indorse on the bill of sale the fact of such entry having been made, with the date and hour thereof; and all bills of sale of any ship or shares in a ship shall be entered in the register book in the order of their production to the registrar.

58. If the property in any ship or in any share therein becomes transmitted in consequence of the death or bankruptcy or insolvency of any registered owner, or in consequence of the marriage of any female registered owner, or by any lawful means other than by a transfer according to the provisions of this act, such transmission shall be authenticated by a declaration of the person to whom such property has been transmitted, made in the form marked H. in the schedule hereto, and containing the several statements hereinbefore required to be contained in the declaration of a transferee, or as near thereto as circumstances permit, and, in addition, a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed if the declarant resides at or within five miles of the custom house of the port of registry in the presence of the registrar, but if beyond that distance in the presence of any registrar or of any justice of the peace (p).

59. If such transmission has taken place by virtue of the bankruptcy or insolvency of any registered owner, the said declaration shall be ac-

(n) See the form now in use, *post*, "Forms," Nos. 5, 6, 7 and 8.

"Forms," No. 10.

(o) See the forms now in use, *post*,

(p) See *post*, "Forms," Nos. 13, 14, 15.

complicated by such evidence as may for the time being be receivable in courts of justice as proof of the title of parties claiming under any bankruptcy or insolvency; and if such transmission has taken place by virtue of the marriage of a female owner, the said declaration shall be accompanied by a copy of the register of such marriage or other legal evidence of the celebration thereof, and shall declare the identity of the said female owner; and if such transmission has taken place by virtue of any testamentary instrument or by intestacy, then in England, Wales and Ireland the said declaration shall be accompanied by the probate of the will or the letters of administration or an official extract therefrom, and in Scotland or in any British possession by the will or any copy thereof that may be evidence by the laws of Scotland or of such possession, or by letters of administration or any copy thereof, or by such other document as may be by the laws of Scotland or of such possession be receivable in the courts of judicature thereof as proof of the person entitled upon an intestacy.

60. The registrar, upon the receipt of such declaration so accompanied as aforesaid, shall enter the name of the person or persons entitled under such transmission in the register book as owner or owners of the ship or share therein in respect of which such transmission has taken place; and such persons, if more than one, shall, however numerous, be considered as one person only as regards the rule hereinbefore contained relating to the number of persons entitled to be registered as owners. Registration of transmitted share.

61. Of the documents hereby required to be produced to the registrar he shall retain in his possession the following; that is to say, the surveyor's certificate, the builder's certificate, the copy of the condemnation, and all declarations of ownership. Registrar to retain certain evidence.

62. Whenever any property in a ship or share in a ship becomes vested by transmission on the death of any owner or on the marriage of any female owner in any person not qualified to be the owner of British ships, it shall be lawful, if such ship is registered in England or Ireland for the Court of Chancery, if in Scotland for the Court of Session, or if in any British possession for any Court possessing the principal civil jurisdiction within such possession, upon an application made by or on behalf of such unqualified person, to order a sale to be made of the property so transmitted, and to direct the proceeds of such sale, after deducting the expenses thereof, to be paid to the person entitled under such transmission, or otherwise as the Court may direct; and it shall be in the discretion of any such Court as aforesaid to make or refuse any such order for sale, and to annex thereto any terms or conditions, and to require any evidence in support of such application, it may think fit, and generally to act in the premises in such manner as the justice of the case requires. Unqualified owner entitled by transmission may apply to Court for sale of ship.

63. Every order for a sale made by such Court as aforesaid shall contain a declaration vesting the right to transfer the ship or share so to be sold in some person or persons named by the Court, and such nominee or nominees shall thereupon be entitled to transfer such ship or share in the same manner, and to the same extent, as if he or they were the registered owner or owners of the same; and every registrar shall obey the requisition of such nominee or nominees as aforesaid in respect of any transfer to the same extent as he would be compellable to obey the requisition of any registered owner or owners of such ship or share. Order to be made by Court.

64. Every such application as aforesaid for sale shall be made within four weeks after the occurrence of the event on which such transmission has taken place, or within such further time as such Court as aforesaid may allow, such time not in any case to exceed the space of one year from the date of such occurrence as aforesaid; and in the event of no such application being made within such period as aforesaid, or of such Court refusing to accede thereto, the ship or share so transmitted shall there- Limit of time for application.

upon be forfeited in manner hereinafter directed with respect to interests acquired by unqualified owners in ships using a British flag and assuming the British character.

Power of
Courts to pro-
hibit transfers.

65. It shall be lawful in England or Ireland for the Court of Chancery, in Scotland for the Court of Session, in any British possession for any Court possessing the principal civil jurisdiction within such possession, without prejudice to the exercise of any other power such Court may possess, upon the summary application of any interested person made either by petition or otherwise, and either *ex parte* or upon service of notice on any other person, as the Court may direct, to issue an order prohibiting for a time to be named in such order any dealing with such ship or share; and it shall be in the discretion of such Court to make or refuse any such order, and to annex thereto any terms or conditions it may think fit, and to discharge such order when granted with or without costs, and generally to act in the premises in such manner as the justice of the case requires; and every registrar, without being made a party to the proceedings, upon being served with such order, or an official copy thereof, shall obey the same (q).

Mortgages.

Mortgage of
ships and
shares therein.

66. A registered ship or any share therein may be made a security for a loan or other valuable consideration; and the instrument creating such security, hereafter termed a "mortgage," shall be in the form marked I. (r) in the schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument the registrar of the port at which the ship is registered shall record the same in the register book.

Mortgages to
be registered
in order of time
of production.

67. Every such mortgage shall be recorded by the registrar in the order of time in which the same is produced to him for that purpose; and the registrar shall, by memorandum under his hand, notify on the instrument of mortgage that the same has been recorded by him, stating the date and hour of such record.

Entry of dis-
charge of
mortgage.

68. Whenever any registered mortgage has been discharged, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, duly signed and attested, make an entry in the register book to the effect that such mortgage has been discharged; and upon such entry being made the estate, if any, which passed to the mortgagee shall vest in the same person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had ever been made (s).

Priority of
mortgages.

69. If there is more than one mortgage registered of the same ship or share therein, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other according to the date at which each instrument is recorded in the register books, and not according to the date of each instrument itself.

Mortgagees not
to be deemed
owner.

70. A mortgagee shall not by reason of his mortgage be deemed to be the owner of a ship or any share therein, nor shall the mortgagor be deemed to have ceased to be owner of such mortgaged ship or share, except in so far as may be necessary for making such ship or share available as a security for the mortgage debt.

Kitchen v. Irvine -
28.1.1913, 46.

Mortgagees to
have power of
sale.

71. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give

(q) See the Admiralty Court Act, 1861, 24 Vict. c. 10, s. 12, and *Nicholas v. Dracachis*, 1 P. D. 72.

(r) See *post*, "Forms," Nos. 11 and 12.

(s) See *Bell v. Blyth*, L. R., 6 Eq. 201; L. R., 4 Ch. 136.

effectual receipts for the purchase money; but if there are more persons than one registered as mortgagees of the same ship or share, no subsequent mortgagee shall, except under the order of some Court capable of taking cognizance of such matters, sell such ship or share without the concurrence of every prior mortgagee.

72. No registered mortgage of any ship or of any share therein shall be affected by any act of bankruptcy committed by the mortgagor after the date of the record of such mortgage, notwithstanding such mortgagor at the time of his becoming bankrupt may have in his possession and disposition and be reputed owner of such ship or share thereof; and such mortgage shall be preferred to any right, claim or interest in such ship or any share thereof which may belong to the assignees of such bankrupt.

Rights of mortgagees not affected by any act of bankruptcy of mortgagor.

73. A registered mortgage of any ship or share in a ship may be transferred to any person, and the instrument creating such transfer shall be in the form marked K. (t) in the schedule hereto, and on the production of such instrument the registrar shall enter in the register book the name of the transferee as mortgagee of the ship or shares therein mentioned, and shall by memorandum under his hand record on the instrument of transfer that the same has been recorded by him, stating the date and hour of such record.

Transfer of mortgages.

74. If the interest of any mortgagee in any ship or in any share therein becomes transmitted in consequence of death, bankruptcy or insolvency, or in consequence of the marriage of any female mortgagee, or by any lawful means other than by a transfer according to the provisions of this act, such transmission shall be authenticated by a declaration of the person to whom such interest has been transmitted, made in the form marked L. (u) in the schedule hereto, and containing a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed, if the declarant resides at or within five miles of the custom house of the port of registry, in the presence of the registrar, but if beyond that distance in the presence of any registrar or of any justice of the peace, and shall be accompanied by such evidence as is hereinbefore required to authenticate a corresponding transmission of property from one registered owner to another.

Transmission of interest of mortgagee by death, bankruptcy or marriage.

75. The registrar, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the register book as mortgagee or mortgagees of the ship or share in respect of which such transmission has taken place.

Entry of transmitted mortgage.

Certificates of Mortgage and Sale.

76. Any registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country or possession in which the port of registry of such ship is situate, may apply to the registrar, who shall thereupon enable him to do so by granting such certificates as are hereinafter mentioned, to be called respectively certificates of mortgage or certificates of sale, according as they purport to give a power to mortgage or a power to sell.

Certificates of Mortgage and Sale.

Powers of mortgage and sale may be conferred by certificate.

77. Previously to any certificate of mortgage or sale being granted, the applicant shall state to the registrar, to be by him entered in the register book, the following particulars; (that is to say,)

Requisites for certificates of mortgage and sale.

- (1.) The names of the persons by whom the power mentioned in such certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix

(t) See post, "Forms," Indorsement on No. 11.

(u) See post, "Forms," Nos. 13, 14,

and 15 are applicable to the case of the transmission of interest of owner or mortgagee.

any such maximum, and in the case of a sale, the minimum price at which a sale is to be made, if it is intended to fix any such minimum:

- (2.) The specific place or places where such power is to be exercised, or if no place be specified, then that it may be exercised anywhere, subject to the provisions hereinafter contained:
- (3.) The limit of time within which such power may be exercised.

Restrictions on certificates of mortgage and sale.

78. No certificate of mortgage or sale shall be granted so as to authorize any mortgage or sale to be made—

At any place within the United Kingdom, if the port of registry of the ship be situate in the United Kingdom; or at any place within the same British possession if the port of registry is situate within a British possession; or

By any person not named in the certificate.

Forms of certificates of mortgage and sale.

79. Certificates of mortgage and sale shall be in the forms marked respectively M. and N. (x) in the schedule hereto, and shall contain a statement of the several particulars hereinbefore directed to be entered in the register book, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ships or shares in respect of which such certificates are given.

Rules as to certificates of mortgage.

80. The following rules shall be observed as to certificates of mortgage; (that is to say,)

- (1.) The power shall be exercised in conformity with the directions contained in the certificate:
- (2.) A record of every mortgage made thereunder shall be indorsed thereon by a registrar or British consular officer:
- (3.) No mortgage *bond fide* made thereunder shall be impeached by reason of the person by whom the power was given dying before the making of such mortgage:
- (4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no mortgage *bond fide* made to a mortgagee without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:
- (5.) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and if there be more mortgages than one so indorsed the respective mortgagees claiming thereunder shall, notwithstanding any express, implied or constructive notice, be entitled one before the other according to the date at which a record of each instrument is indorsed on the certificate, and not according to the date of the instrument creating the mortgage:
- (6.) Subject to the foregoing rules every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate:
- (7.) The discharge of any mortgage so registered on the certificate may be indorsed thereon by any registrar or British consular officer upon the production of such evidence as is hereby required to be produced to the registrar on the entry of the discharge of a mortgage in the register book; and upon such indorsement being made, the estate, if any, which passed to the mortgagee shall vest in the same person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had been made:

(x) See *post*, "Forms," Nos. 16 and 17.

- (8.) Upon the delivery of any certificate of mortgage to the registrar by whom it was granted, he shall, after recording in the register book in such manner as to preserve its priority any unsatisfied mortgage registered thereon, cancel such certificate, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

81. The following rules shall be observed as to certificates of sale; (that is to say,) Rules as to certificates of sale.

- (1.) No such certificate shall be granted except for the sale of an entire ship:
- (2.) The power shall be exercised in conformity with the directions contained in the certificate:
- (3.) No sale *bond fide* made to a purchaser for valuable consideration shall be impeached by reason of the person by whom the power was given dying before the making of such sale:
- (4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no sale *bond fide* made to a purchaser for valuable consideration without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:
- (5.) Any transfer made to a person qualified to be the owner of British ships shall be by bill of sale in the form hereinbefore mentioned, or as near thereto as circumstances permit:
- (6.) If the ship is sold to a party qualified to hold British ships, the ship shall be registered anew; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book:
- (7.) Previously to such registry anew there shall be produced to the registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship:
- (8.) Such last-mentioned registrar shall retain the certificates of sale and registry, and after having indorsed on both of such instruments an entry of the fact of a sale having taken place, shall forward the said certificates to the registrar of the port appearing on such certificates to be the former port of registry of the ship, and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:
- (9.) On such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new register book, without her being re-surveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee:
- (10.) If the ship is sold to a party not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry, shall be produced to some registrar or consular officer, who shall retain the certificates of sale and registry, and, having indorsed thereon the fact of such ship having been sold to persons not qualified to be owners of British ships, shall forward such certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of such ship; and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:

- (11.) If upon a sale being made to an unqualified person default is made in the production of such certificates as are mentioned in the last rule, such unqualified person shall be considered by British law as having acquired no title to or interest in the ship; and further, the party upon whose application such certificate was granted, and the persons exercising the power, shall each incur a penalty not exceeding one hundred pounds:
- (12.) If no sale is made in conformity with the certificate of sale, such certificate shall be delivered to the registrar by whom the same was granted; and such registrar shall thereupon cancel it, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

82. Upon proof at any time to the satisfaction of the Commissioners of Customs that any certificate of mortgage or sale is lost or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised then upon proof of the several matters and things that have been done thereunder, it shall be lawful for the registrar, with the sanction of the said commissioners, as circumstances may require, either to issue a new certificate, or to direct such entries to be made in the register book or such other matter or thing to be done as might have been made or done if no such loss or obliteration had taken place.

Revocation of certificates of mortgage and sale.

83. The registered owner for the time being of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the place or places where the power thereby given is to be exercised, may, by an instrument under his hand made in the form O. (y) in the schedule hereto, or as near thereto as circumstances permit, authorize the registrar by whom such certificate was granted to give notice to the registrar or consular officer, registrars or consular officers, at such place or places, that such certificate is revoked; and notice shall be given accordingly; and all registrars or consular officers receiving such notice shall record the same, and shall exhibit the same to all persons who may apply to them for the purpose of effecting or obtaining a mortgage or transfer under the said certificate of mortgage or sale; and after such notice has been so recorded the said certificate shall, so far as concerns any mortgage or sale to be thereafter made at such place, be deemed to be revoked and of no effect; and every registrar or consular officer recording any such notice shall thereupon state to the registrar by whom the certificate was granted, whether any previous exercise of the power to which such certificate refers has taken place.

Registry anew and Transfer of Registry.

Registry anew and Transfer of Registry.

Alteration in ship to be registered.

84. Whenever any registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if such alteration is made at a port where there is a registrar, the registrar of such port, but if made elsewhere, the registrar of the first port having a register at which the ship arrives after her alteration, shall, on application made to him, and on the receipt of a certificate from the proper surveyor specifying the nature of such alteration, either retain the old certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or indorse on the existing certificate a memorandum of such alteration, and subscribe his name to such indorsement; and the registrar to whom such application as aforesaid is made, if he is the registrar of the port of registry of the ship, shall himself enter in his register book the particulars of the alteration so made, and the fact of such new certificate having been granted or indorsement having been made on the existing certificate; but if he is not such last-mentioned registrar, he shall forthwith report such particulars and facts as aforesaid,

(y) See *post*, "Forms," No. 18.

accompanied by the old certificate of registry in cases where a new one has been granted, to the registrar of the port of registry of the ship, who shall retain such old certificate (if any), and enter such particulars and facts in his register book accordingly.

85. When the registrar to whom application is made in respect of any such alteration as aforesaid is the registrar of the port of registry, he may, if he thinks fit, instead of registering such alteration, require such ship to be registered anew in manner hereinbefore directed on the first registry of a ship, and if he is not such registrar as lastly hereinbefore mentioned he may nevertheless require such ship to be registered anew, but he shall in such last-mentioned case grant a provisional certificate or make a provisional indorsement of the alteration made in manner hereinbefore directed in cases where no registry anew is required, taking care to add to such certificate or indorsement a statement that the same is made provisionally, and to insert in his report to the registrar of the port of registry of the ship a like statement.

On alteration registry anew may be required.

86. Every such provisional certificate, or certificate provisionally indorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if registered in the United Kingdom, or, if registered elsewhere, at her port of discharge in the British possession within which her port of registry is situate, be delivered up to the registrar thereof, who shall thereupon cause such ship to be registered anew in the same manner in all respects as hereinbefore required on the first registry of any ship.

Grant of provisional certificate in respect of alteration.

87. On failure of such registry anew of any ship or registry of alteration of any ship so altered as aforesaid, such ship shall be deemed not duly registered, and shall no longer be recognized as a British ship.

Consequence of omission to register anew.

88. If upon any change of ownership in any ship the owner or owners desire to have such ship registered anew, although such registry anew is not required by this act, it shall be lawful for the registrar of the port at which such ship is already registered, on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or such of them as the registrar thinks material, being duly complied with, to make such registry anew, and grant a certificate thereof.

On change of owners, registry anew may be granted, if required.

89. The registry of any ship may be transferred from one port to another upon the application of all parties appearing on the register to be interested in such ship, whether as owners or mortgagees, such application to be expressed by a declaration in writing made and subscribed, if the party so required to make and subscribe the same resides at or within five miles of the custom house of the port from which such ship is to be transferred, in the presence of the registrar of such port, but if beyond that distance in the presence of any registrar or of any justice of the peace.

Registry may be transferred from port to port.

90. Upon such application being made as is hereinbefore mentioned, and upon the delivery to him (z) of the certificate of registry, the registrar of the port at which such ship is already registered shall transmit to the registrar of the port at which such ship is intended to be registered notice of such application having been made to him, together with a true copy of all particulars relating to such ship, and the names of all the parties appearing by his book to be interested as owners or mortgagees in such ship; and such last-mentioned registrar shall, upon the receipt of such notice, enter all such particulars and names in his book of registry, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at and belonging to such last-mentioned port, and the name of such last-mentioned port shall be substituted on the stern of such ship in lieu of the name of the port previously appearing thereon.

Manner of transfer of registry.

(z) See M. S. Act, 1855, s. 12.

Transfer of registry not to affect rights of owners.

91. The transfer of the registry of any ship in manner aforesaid shall not in any way affect the rights of the several persons interested either as owners or mortgagees in such ship, but such rights shall in all respects be maintained and continue in the same manner as if no such transfer had been effected.

Registry, Miscellaneous.

Registry, Miscellaneous.

Inspection of register books.

92. Every person may, upon payment of a fee to be fixed by the Commissioners of Customs (n), not exceeding one shilling, have access to the register book for the purpose of inspection at any reasonable time during the hours of official attendance of the registrar.

Indemnity to registrar.

93. No registrar shall be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act.

Return to be made by registrars to Commissioners of Customs.

94. Every registrar in the United Kingdom shall at the expiration of every month, and every other registrar shall without delay, or at such stated times as may be fixed by the Commissioners of Customs (a), transmit to the custom house in London (b) a full return in such form as they may direct of all registries, transfers, transmissions, mortgages and other dealings with ships which have been registered by or communicated to them in their character of registrars, and the names of the persons who have been concerned in the same, and such other particulars as may be directed by the said commissioners.

Application of fees.

95. All fees authorized to be taken under the second part of this act shall, if taken in any part of the United Kingdom, be applied in payment of the general expenses of carrying into effect the purposes of such second part, or otherwise as the Treasury may direct, but if taken elsewhere shall be disposed of in such way as the executive government of the British possession in which they are taken may direct.

Commissioners of Customs to provide and with consent of Board of Trade may alter forms and issue instructions.

96. The Commissioners of Customs shall cause the several forms required or authorized to be used by the second part of this act, and contained in the schedule hereto, to be supplied to all registrars within her Majesty's dominions for distribution to the several persons requiring to use the same, either free of charge, or at such moderate prices as they may from time to time direct, and the said commissioners, with the consent of the Board of Trade, may from time to time make such alterations in the forms contained in the schedule hereto as it may deem requisite, but shall, before issuing any altered form, give such public notice thereof as may be necessary in order to prevent inconvenience; and the said commissioners may also, with such consent as aforesaid, for the purposes of carrying into effect the provisions contained in the second part of this act, give such instructions as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence to be required for identifying any person, and generally as to any act or thing to be done in pursuance of the second part of this act, as they may think fit.

Power to registrar to dispense

97. Whenever in any case in which under the second part of this act

(a) See the 4th section of the M. S. A. 1872 (35 & 36 Vict. c. 73), substituting the Registrar-General of Shipping and Seamen for the Commissioners of Customs where named in this section.

(b) By sect. 4 of the M. S. A. 1872 (35 & 36 Vict. c. 73), the returns men-

tioned in this section are to be transmitted not to the Custom House, but to the Registrar-General of Seamen, who is to be called the Registrar-General of Shipping and Seamen. See for form of Return, *post*, "Forms," No. 20.

any person is required to make a declaration on behalf of himself or of any body corporate, or any evidence is required to be produced to the registrar, it is shown to the satisfaction of the registrar that from any reasonable cause such person is unable to make the declaration, or that such evidence cannot be produced, it shall be lawful for the registrar, with the sanction of the Commissioners of Customs, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such declaration or evidence.

98. In cases where it appears to the Commissioners of Customs, or to the governor or other person administering the government of any British possession, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from one port or place in her Majesty's dominions to any other port or place within the same, it shall be lawful for such commissioners or governor or other person to grant a pass accordingly, and such pass shall for the time and within the limits therein mentioned have the same effect as a certificate of registry.

99. If any person interested in any ship or any share therein is, by reason of infancy, lunacy or other inability, incapable of making any declaration or doing any thing required or permitted by this act to be made or done by such incapable person in respect of registry, then the guardian or committee, if any, of such incapable person, or, if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person; and all acts done by such substitute shall be as effectual as if done by the person for whom he is substituted (c).

100. Whenever any person is beneficially interested, otherwise than by way of mortgage, in any ship or share therein registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or by any other act on owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such pecuniary penalties against both or either of the aforesaid parties, with or without joining the other of them.

Forgery.

101. Any person who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any register book, certificate of surveyor, certificate of registry, declaration of ownership, bill of sale, instrument of mortgage, certificate of mortgage or sale, or any entry or indorsement required by the second part of this act to be made in or on any of the above documents, shall for every such offence be deemed to be guilty of felony.

National Character.

102. No officer of customs shall grant a clearance or transire for any ship until the master of such ship has declared to such officer the name of the nation to which he claims that she belongs, and such officer shall thereupon inscribe such name on the clearance or transire; and if any ship attempts to proceed to sea without such clearance or transire, any such officer may detain her until such declaration is made.

(c) See *Michael v. Fripp*, L. R., 7 Eq. 96.

Penalties :

103. The offences hereinafter mentioned shall be punishable as follows; (that is to say,)

For unduly assuming a British character.

(1.) If any person uses the British flag and assumes the British national character on board any ship owned in whole or in part by any persons not entitled by law to own British ships, for the purpose of making such ship appear to be a British ship, such ship shall be forfeited to her Majesty, unless such assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in exercise of some belligerent right; and in any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same :

For concealment of British or assumption of foreign character.

(2.) If the master or owner of any British ship does or permits to be done any matter or thing, or carries or permits to be carried any papers or documents, with intent to conceal the British character of such ship from any person entitled by British law to inquire into the same, or to assume a foreign character, or with intent to deceive any such person as lastly hereinbefore mentioned, such ship shall be forfeited to her Majesty (d); and the master, if he commits or is privy to the commission of the offence, shall be guilty of a misdemeanor :

For acquiring ownership if unqualified.

(3.) If any unqualified person, except in the case of such transmitted interests as are hereinbefore mentioned, acquires as owner any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, such interest shall be forfeited to her Majesty :

For false declaration of ownership.

(4.) If any person, on behalf of himself or any other person or body of persons, wilfully makes a false declaration touching the qualification of himself or such other person or body of persons to own British ships or any shares therein, the declarant shall be guilty of a misdemeanor; and the ship or share in respect of which such declaration is made, if the same has not been forfeited under the foregoing provision, shall, to the extent of the interest therein of the person making the declaration, and, unless it is shown that he had no authority to make the same, of the parties on behalf of whom such declaration is made, be forfeited to her Majesty :

And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of her Majesty, or any British officer of customs, or any British consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any Court having Admiralty jurisdiction in her Majesty's dominions; and such Court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

Officer not liable for any seizure made on reasonable grounds.

104. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or Court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or Court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

105. If any colours usually worn by her Majesty's ships, or any colours resembling those of her Majesty, or any distinctive national colours, except the red ensign usually worn by merchant ships, or except the union jack with a white border, or if the pendant usually carried by her Majesty's ships or any pendant in anywise resembling such pendant, are or is hoisted on board any ship or boat belonging to any subject of her Majesty without warrant for so doing from her Majesty or from the Admiralty, the master of such ship or boat or the owner thereof, if on board the same, and every other person hoisting or joining or assisting in hoisting the same, shall for every such offence incur a penalty not exceeding five hundred pounds; and it shall be lawful for any officer on full pay in the military or naval service of her Majesty, or any British officer of the customs, or any British consular officer, to board any such ship or boat, and to take away any such jack, colours or pendant; and such jack, colours or pendant shall be forfeited to her Majesty.

Penalty for carrying improper colours.

106. Whenever it is declared by this act that a ship belonging to any person or body corporate qualified according to this act to be owners of British ships shall not be recognized as a British ship, such ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships, and shall not be entitled to use the British flag or assume the British national character; but, so far as regards the payment of dues, the liability to pains and penalties, and the punishment of offences committed on board such ship or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognized British ship (e).

Effect of declaration in the act that a ship shall not be recognized as a British ship.

Evidence.

107. Every register or declaration made in pursuance of the second part of this act in respect of any British ship may be proved in any court of justice, or before any person having by law or by consent of parties authority to receive evidence, either by the production of the original or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the registrar or other person having the charge of the original; which certified copies he is hereby required to furnish to any person applying at a reasonable time for the same, upon payment of one shilling for each such certified copy; and every such register or copy of a register, and also every certificate of registry of any British ship, purporting to be signed by the registrar or other proper officer, shall be received in evidence in any court of justice or before any person having by law or by consent of parties authority to receive evidence as *prima facie* proof of all the matters contained or recited in such register when the register or such copy is produced, and of all the matters contained in or indorsed on such certificate of registry, and purporting to be authenticated by the signature of a registrar, when such certificate is produced (f).

Evidence.

Copies of registers and declarations to be admissible in evidence, and to be *prima facie* proof of certain things.

Saving Clause.

108. Nothing in this act contained shall repeal or affect an act passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, chapter fifty-six, intituled "An Act further to regulate the Trade of Ships built and trading within the Limits of the East India Company's Charter."

Saving Clause.

Saving of 3 & 4 Vict. c. 56, relating to East Indian ships.

PART III.

MASTERS AND SEAMEN.

Application.

109. The various provisions of the third part of this act shall have the following applications, unless the context or subject matter requires a different application; (that is to say.)

Application.

Application of Part III. of Act.

(e) *Reg. v. Seberg*, L. R., 1 C. C. R. 264.

(f) See M. S. Act, 1855, s. 15, and see *The Princess Charlotte*, Br. & L. 75.

Returns for certain ships belonging to the United Kingdom.

So much of the third part of this act as relates to the delivery or transmission of lists of crews to the registrar general of seamen shall apply to all fishing vessels belonging to the United Kingdom, whether employed exclusively on the coast of the United Kingdom or not; to all ships belonging to the Trinity House, or the commissioners of northern lighthouses, constituted as hereinafter mentioned, or the port of Dublin corporation, and to all pleasure yachts, and to the owners, masters and crews of such ships :

Returns and wages of deceased seamen in certain colonial ships.

So much of the third part of this act as relates to the delivery and transmission of lists of crews, and to the wages and effects of deceased seamen and apprentices, shall apply to all sea-going British ships, wherever registered, of which the crews are discharged, or whose final port of destination is in the United Kingdom, and to the owners, masters and crews of such ships :

Shipping and discharging men in the United Kingdom. Volunteering into the navy.

So much of the third part of this act as relates to the shipping and discharge of seamen in the United Kingdom shall apply to all sea-going British ships, wherever registered, and to the owners, masters and crews of such ships :

So much of the third part of this act as relates to seamen volunteering into the royal navy shall apply to all sea-going British ships, wherever registered, and to the owners, masters and crews of such ships, wherever the same may be :

Provisions applicable to colonial ships.

So much of the third part of this act as relates to rights to wages and remedies for the recovery thereof : to the shipping and discharge of seamen in foreign ports ; to leaving seamen abroad, and to the relief of seamen in distress in foreign ports ; to the provisions, health and accommodation of seamen ; to the power of seamen to make complaints ; to the protection of seamen from imposition ; to discipline ; to naval courts on the high seas and abroad ; and to crimes committed abroad ; shall apply to all ships registered in any of her Majesty's dominions abroad, when such ships are out of the jurisdiction of their respective governments, and to the owners, masters, and crews of such ships ;

As to whole of Part III. of Act.

And the whole of the third part of this act shall apply to all sea-going ships registered in the United Kingdom, (except such as are exclusively employed in fishing on the coasts of the United Kingdom, and such as belong to the Trinity House, the commissioners of northern lighthouses or the port of Dublin corporation, and also except pleasure yachts,) and also to all ships registered in any British possession and employed in trading or going between any place in the United Kingdom and any place or places not situate in the possession in which such ships are registered, and to the owners, masters and crews of such ships respectively, wherever the same may be (g).

Local Marine Boards.

Local Marine Boards.

Constitution of Local Marine Boards.

110. There shall be local marine boards for carrying into effect the provisions of this act under the superintendence of the Board of Trade at those seaports of the United Kingdom at which local marine boards have heretofore been established, and at such other places as the Board of Trade appoints for this purpose ; and each of such local marine boards shall be constituted as follows ; (that is to say,) the mayor or provost and the stipendiary magistrate or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoints shall be a member or members *ex officio* ; the Board of Trade shall appoint four members from persons residing or having places of business at the port or within seven miles thereof ; and the owners of foreign-going ships and of home trade passenger ships registered at the port shall elect six members ; and such elections as aforesaid shall take place on the twenty-fifth day of January, one thousand eight hundred and fifty-seven, and on the twenty-fifth day of January in every third succeeding year, and such

(g) But see M. S. Act, 1862, s. 13.

appointments as aforesaid shall take place within one month after such elections; and upon the conclusion of such month and the constitution of a new board the functions of the then existing board shall cease, and the board consisting of the members then newly elected and appointed shall take its place; and any occasional vacancy caused in the intervals between the general elections and appointments, by death, resignation, disqualification or otherwise, shall be filled up within one month after it occurs; and every person elected or appointed on an occasional vacancy shall continue a member until the next constitution of a new board; and the mayor or provost shall fix the place and mode of conducting all such elections as aforesaid, and also on occasional vacancies the day of election, and shall give at least ten days' notice thereof; and the Board of Trade shall have power to decide any questions raised concerning any such elections.

111. Owners of foreign-going ships and of home trade passenger ships registered at any seaport at which there is a local marine board shall have votes at the election of members of such board as follows: (that is to say,) every registered owner of not less than two hundred and fifty tons in the whole of such shipping shall at every election have one vote for each member for every two hundred and fifty tons owned by him, so that his votes for any one member do not exceed ten: and for the purpose of ascertaining the qualification of such electors the following rules shall be observed; (that is to say,) in the case of a ship registered in the name of one person, such person shall be deemed to be the owner, and in the case of a ship registered in distinct and several shares in the names of more persons than one, the tonnage shall be apportioned among the owners as nearly as may be in proportion to their respective shares, and each of such persons shall be deemed to be the owner of the tonnage so apportioned to him; and in the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one, the tonnage shall, if it is sufficient, either alone or together with other tonnage (if any) owned by such joint owners, to give a qualification to each of them, be apportioned equally between the joint owners, and each of such joint owners shall be deemed to be the owner of the equal share so apportioned to him, but if it is not so sufficient, the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register; and in making any such apportionment as aforesaid any portion may be struck off so as to obtain a divisible amount; and the whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and, if sufficient, shall constitute his qualification.

Qualification
of voters for
members of
Local Marine
Boards.

112. The collector or comptroller of customs in every seaport of the United Kingdom at which there is a local marine board shall, with the assistance of the registrar general of seamen, on or before the twenty-fifth day of December, in the year one thousand eight hundred and fifty-six, and in every third succeeding year, make out an alphabetical list of the persons entitled by virtue of this act to vote at the election of members of such local marine board, containing the christian name, surname and residence of each such person, and the number of votes to which he is entitled, and shall sign such list, and cause a sufficient number of copies thereof to be printed, and to be fixed on or near the doors of the custom house at such seaport for two entire weeks next after such list has been made, and shall keep true copies of such list, and permit the same to be perused by any person, without payment of any fee, at all reasonable hours during such two weeks.

Lists of such
voters to be
made.

113. The mayor or provost of every seaport at which there is a local marine board, or such of them, if more than one, as is or are for the time

Revision of list
of voters.

being so appointed as aforesaid, shall at least twenty days before the twenty-fifth day of January, in the year one thousand eight hundred and fifty-seven, and in each succeeding third year, nominate two justices of the peace, to revise the said lists; and such justices shall, between the eighth and fifteenth days of January, both inclusive in the year in which they are so nominated, revise the said list at the custom house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said collector or comptroller, and shall give three clear days' notice of such revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of such custom house, and shall make such revision by inserting in such list the name of every person who claims to be inserted therein, and gives proof satisfactory to the said revisors of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of which an objection is made by any other person named in such list who gives proof satisfactory to the said revisors that the name of the person so objected to ought not to have been inserted therein; and the decision of the said revisors with respect to every such claim or objection shall be conclusive; and the said revisors shall immediately after such revision sign their names at the foot of the list so revised; and such list so revised shall be the register of voters at elections of members of the local marine board of such seaport for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year; and the said revised list, when so signed, shall be delivered to such mayor or provost as aforesaid of the place, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy to be delivered to every voter applying for the same.

Registers to be produced.

114. The said collector or comptroller, if required, shall for the assistance of the said revisors in revising the said list produce to them the books containing the register of ships registered at such seaport; and the registrar general of seamen, if required, shall also produce or transmit to such revisors such certified extracts or returns from the books in his custody as may be necessary for the same purposes.

Expenses to be paid by Board of Trade.

115. The two justices aforesaid shall certify all expenses properly incurred by any such collector or comptroller as aforesaid in making and printing the said list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by any such mayor or provost as aforesaid in printing the same or in elections taking place under this act; and the said Board may disallow any items of any such expenses as aforesaid which it deems to have been improperly incurred.

Persons on revised list qualified to vote.

116. Every person whose name appears on such revised list, and no other person, shall be qualified to vote at the election of members of the local marine board at such seaport to be held on the twenty-fifth day of January next after the revision of such list, and at any occasional election held at any time between that day and the next ordinary triennial election of the members of such board.

Qualification of members of Local Marine Boards.

117. Every male person who is according to such revised list of the voters at any seaport entitled to a vote shall be qualified to be elected a member of the local marine board of such seaport, and no other person shall be so qualified; and if any person elected as a member after such election ceases to be an owner of such quantity of tonnage as would entitle him to a vote, he shall no longer continue to act or be considered as a member, and thereupon another member shall be elected in his place.

Error in elections not to

118. No act of any local marine board shall be vitiated or prejudiced

by reason of any irregularity in the election of any of its members, or of any error in the list of voters herein mentioned, or of any irregularity in the making or revising of such list, or by reason of any person who is not duly qualified as hereinbefore directed acting upon such board. vitiates acts done.

119. Every local marine board shall keep minutes of its proceedings, and the same shall be kept in such mode (if any) as the Board of Trade prescribes; and such minutes, and all books or documents used or kept by any local marine board, or by any examiners, shipping masters or other officers or servants under the control of any local marine board shall be open to the inspection of the Board of Trade and its officers; and every local marine board shall make and send to the Board of Trade such reports and returns as it requires; but, subject as aforesaid, every local marine board may regulate the mode in which its meetings are to be held and its business conducted (*h*). Minutes and business of Local Marine Boards.

120. If any local marine board, by reason of any election not taking place, or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause fails to meet or to discharge its duties, the Board of Trade may in its discretion either take into its own hands the performance of the duties of such local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of such local marine board shall take place immediately. If any Local Marine Board fails to discharge its duties, Board of Trade may assume its duties, or direct a new election.

121. If upon complaint made to the Board of Trade it appears to such Board that any appointments or arrangements made by any local marine board under the powers hereby given to it are not such as to meet the wants of the port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter or rectify such appointments or arrangements in such manner as, having regard to the intentions of this act and to the wants of the port, it deems to be expedient. Board of Trade, on complaint, may alter arrangements made by Local Marine Boards.

Shipping Offices.

122. In every seaport in the United Kingdom in which there is a local marine board such board shall establish a shipping office or shipping offices, and may for that purpose, subject as herein mentioned, procure the requisite premises, and appoint and from time to time remove and re-appoint superintendents of such offices, to be called shipping masters, with any necessary deputies, clerks and servants, and regulate the mode of conducting business at such offices, and shall, subject as herein mentioned, have complete control over the same; and every act done by or before any deputy duly appointed shall have the same effect as if done by or before a shipping master (*i*).

Shipping Offices.

Local Marine Boards to establish shipping offices.

123. The sanction of the Board of Trade shall be necessary so far as regards the number of persons so appointed by any such local marine board, and the amount of their salaries and wages and all other expenses; and the Board of Trade shall have the immediate control of such shipping offices, so far as regards the receipt and payment of money thereat; and all shipping masters, deputies, clerks and servants so appointed as aforesaid shall, before entering upon their duties, give such security (if any) for the due performance thereof as the Board of Trade requires; and if in any case the Board of Trade has reason to believe that any shipping master, deputy, clerk or servant appointed by any local marine board does not properly discharge his duties, the Board of Trade may cause the case to be investigated, and may, if it thinks fit so to do, remove him from his office, and may provide for the proper performance of his duties until another person is properly appointed in his place.

Board of Trade to have partial control over shipping offices.

(*h*) See the M. S. Act, 1862, s. 14.

(*i*) See the M. S. Act, 1862, s. 15.

Business of such offices generally.

124. It shall be the general business of shipping masters appointed as aforesaid—

- To afford facilities for engaging seamen by keeping registries of their names and characters;
- To superintend and facilitate their engagement and discharge in manner hereinafter mentioned;
- To provide means for securing the presence on board at the proper times of men who are so engaged;
- To facilitate the making of apprenticeships to the sea service;
- To perform such other duties relating to merchant seamen and merchant ships as are hereby or may hereafter under the powers herein contained be committed to them (k).

Fees to be paid upon engagements and discharges.

125. Such fees, not exceeding the sums specified in the table marked P. in the schedule hereto, as are from time to time fixed by the Board of Trade, shall be payable upon all engagements and discharges effected before shipping masters as hereinafter mentioned, and the Board of Trade shall cause scales of the fees payable for the time being to be prepared and to be conspicuously placed in the shipping offices; and all shipping masters, their deputies, clerks and servants, may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid (l).

Masters to pay fees, and to deduct part from wages.

126. Every owner or master of a ship engaging or discharging any seamen or seaman in a shipping office or before a shipping master shall pay to the shipping master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain, any sums not exceeding the sums specified in that behalf in the table marked Q. (m) in the schedule hereto: Provided that, if in any cases the sums which the owner is so entitled to deduct exceed the amount of the fee payable by him, such excess shall be paid by him to the shipping master in addition to such fee.

Proviso as to excess.

Penalty on shipping masters taking other remuneration.

127. Any shipping master, deputy shipping master, or any clerk or servant in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this act, shall for every such offence incur a penalty not exceeding twenty pounds, and shall also be liable to be dismissed from his office by the Board of Trade.

Business of shipping offices may be transacted at Custom Houses.

128. The Board of Trade may, with the consent of the Commissioners of Customs, direct that at any place in which no separate shipping office is established the whole or any part of the business of the shipping office shall be conducted at the custom house, and thereupon the same shall be there conducted accordingly; and in respect of such business such custom house shall for all purposes be deemed to be a shipping office, and the officer of customs there to whom such business is committed shall for all purposes be deemed to be a shipping master within the meaning of this act.

In London Sailors Homes may be shipping offices.

129. The Board of Trade may appoint any superintendent of or other person connected with any Sailors Home in the port of London to be a shipping master, with any necessary deputies, clerks and servants, and may appoint any office in any such home to be a shipping office; and all shipping masters and shipping offices so appointed shall be subject to the immediate control of the Board of Trade and not of the local marine board of the port.

Dispensation with shipping

130. The Board of Trade may from time to time dispense with the

(k) See the Naval Reserve Act, 1859 (22. & 23 Vict. c. 40), s. 17.

(l) See *post*, "Forms," No. 21.

(m) See *post*, "Forms," No. 22.

transaction before a shipping master or in a shipping office of any matters required by this act to be so transacted; and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted before a shipping master or in a shipping office.

master's superintendence.

Examinations and Certificates of Masters and Mates.

Certificates of Masters and Mates.

131. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or of home trade passenger ships, or who wish to procure certificates of competency hereinafter mentioned; and, subject as herein mentioned, the local marine boards shall provide for the examinations at their respective ports, and may appoint and from time to time remove and re-appoint examiners to conduct the same, and may regulate the same; and any members of the local marine board of the place where the examination is held may be present and assist at any such examination (n).

Examinations to be instituted for masters and mates.

132. The Board of Trade may from time to time lay down rules as to the conduct of such examinations and as to the qualifications of the applicants, and such rules shall be strictly adhered to by all examiners; and no examiner shall be appointed unless he possesses a certificate of qualification, to be from time to time granted or renewed by the Board of Trade; and the sanction of the Board of Trade shall be necessary, so far as regards the number of examiners to be appointed, and the amount of their remuneration; and the Board of Trade may at any time depute any of its officers to be present and assist at any examination; and if it appears to the Board of Trade that the examinations for any two or more ports can be conducted without inconvenience by the same examiners, it may require and authorize the local marine boards of such ports to act together as one board in providing for and regulating examinations and appointing and removing examiners for such ports.

Powers of Board of Trade over examinations.

133. All applicants for examination shall pay such fees, not exceeding the sums specified in the table marked R. (o) in the schedule hereto, as the Board of Trade directs; and such fees shall be paid to such persons as the said Board appoints for that purpose.

Fees to be paid by applicants for examination.

134. Subject to the proviso hereinafter contained, the Board of Trade shall deliver to every applicant who is duly reported by the local examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as master, or as first, second, or only mate of a foreign-going ship, or as master or mate of a home trade passenger ship, as the case may be: Provided that in every case in which the Board of Trade has reason to believe such report to have been unduly made, such Board may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

Certificates of competency to be granted to those who pass.

135. Certificates of service, differing in form from certificates of competency, shall be granted as follows; (that is to say,)

Certificates of service to be delivered to persons who served as masters or mates before 1851, and to certain naval officers; and certificates of

- (1.) Every person who before the first day of January, one thousand eight hundred and fifty-one, served as a master in the British merchant service, or who has attained or attains the rank of lieutenant, master, passed mate or second master, or any higher rank in the service of her Majesty or of the East India Company, shall be entitled to a certificate of service as master for foreign-going ships:
- (2.) Every person who before the first day of January, one thousand

(n) See the Merchant Shipping (Colonial) Act, 1869 (32 Vict. c. 11), s. 8.

(o) See *post*, "Forms," No. 23.

service for home trade passenger ships to be delivered to persons who have served as masters or mates in such ships before 1st January, 1864.

eight hundred and fifty-one, served as mate in the British merchant service shall be entitled to a certificate of service as mate for foreign-going ships:

- (3.) Every person who before the first day of January, one thousand eight hundred and fifty-four, has served as master of a home trade passenger ship shall be entitled to a certificate of service as master for home trade passenger ships:
- (4.) Every person who before the first day of January, one thousand eight hundred and fifty-four, has served as mate of a home trade passenger ship shall be entitled to a certificate of service as mate for home trade passenger ships:

And each of such certificates of service shall contain particulars of the name, place and time of birth, and of the length and nature of the previous service of the person to whom the same is delivered; and the Board of Trade shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

No foreign-going ship or home trade passenger ship to proceed to sea without certificates of the master and mates.

136. No foreign-going ship or home trade passenger ship shall go to sea from any port in the United Kingdom unless the master thereof, and in the case of a foreign-going ship the first and second mates or only mate (as the case may be), and in the case of a home trade passenger ship the first or only mate (as the case may be), have obtained and possess valid certificates either of competency or service appropriated to their several stations in such ship, or of a higher grade; and no such ship, if of one hundred tons burden or upwards, shall go to sea as aforesaid, unless at least one officer besides the master has obtained and possesses a valid certificate appropriate to the grade of only mate therein or to a higher grade; and every person who, having been engaged to serve as master or as first or second or only mate of any foreign-going ship, or as master or first or only mate of a home trade passenger ship, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, or who employs any person as master, or first, second or only mate of any foreign-going ship, or as master or first or only mate of a home trade passenger ship, without ascertaining that he is at the time entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding fifty pounds.

Certificates for foreign-going ships available for home trade passenger ships.

137. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a home trade passenger ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

The registrar to record grants, cancellations, &c. of certificates.

138. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded by the registrar-general of seamen or by such other person as the Board of Trade appoints for that purpose; and the Board of Trade shall give to such registrar or such other person immediate notice of all orders made by it for cancelling, suspending, altering or otherwise affecting any certificate in pursuance of the powers herein contained; and the registrar or such other person as aforesaid shall thereupon make a corresponding entry in the record of certificates; and a copy purporting to be certified by such registrar or his assistant, or by such person as aforesaid of any certificate shall be *prima facie* evidence of such certificate, and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any certificate shall be *prima facie* evidence of the truth of the matters stated in such entry (p).

Duplicates and entries to be evidence.

139. Whenever any master or mate proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of any certificate already granted to him, the Board of Trade shall, upon payment of such fee (if any) as it directs, cause a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled, to be made out and certified as aforesaid, and to be delivered to him; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original (g).

In case of loss a copy to be granted.

140. Every person who makes, or procures to be made, or assists in making, any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate or any copy of any such certificate which is forged, altered, cancelled, suspended or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor (g).

Penalties for false representations; for forging or altering or fraudulently using or lending any certificate.

Apprenticeships to the Sea Service.

141. All shipping masters appointed under this act shall, if applied to for the purpose, give to any board of guardians, overseers or other persons desirous of apprenticing boys to the sea service, and to masters and owners of ships requiring apprentices, such assistance as is in their power for facilitating the making of such apprenticeships, and may receive from persons availing themselves of such assistance such fees as may be determined in that behalf by the Board of Trade, with the concurrence, so far as relates to pauper apprentices in England, of the Poor Law Board in England, and so far as relates to pauper apprentices in Ireland, of the Poor Law Commissioners in Ireland.

Apprenticeships to Sea Service.

Shipping masters to assist in binding apprentices, and may receive fees.

142. In the case of every boy bound apprentice to the sea service by any guardians or overseers of the poor, or other persons having the authority of guardians of the poor, the indentures shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, who shall ascertain that the boy has consented to be bound, and has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is to be bound is a proper person for the purpose.

Indentures of boys bound apprentices to sea service by guardians or overseers to be witnessed by two justices.

143. All indentures of apprenticeship to the sea service shall be exempt from stamp duty; and all such indentures shall be in duplicate; and every person to whom any boy whatever is bound as an apprentice to the sea service in the United Kingdom shall within seven days after the execution of the indentures take or transmit the same to the registrar-general of seamen or to some shipping master; and the said registrar or shipping master shall retain and record one copy, and shall indorse on the other that the same has been recorded, and shall re-deliver the same to the master of the apprentice; and whenever any such indenture is assigned or cancelled, and whenever any such apprentice dies or deserts, the master of the apprentice shall, within seven days after such assignment, cancellation, death or desertion, if the same happens within the United Kingdom, or if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same either to the said registrar of seamen, or to some shipping master, to be recorded; and every person who fails to comply with the provisions of this section shall incur a penalty not exceeding ten pounds.

Indentures of apprenticeship to be exempt from stamp duty, and to be recorded.

(g) See the M. S. Act, 1862, s. 10.

Rules to govern apprenticeship of paupers in Great Britain and Ireland respectively.

144. Subject to the provisions hereinbefore contained, all apprenticeships to the sea service made by any guardians or overseers of the poor or persons having the authority of guardians of the poor, shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons, and if made in Ireland shall be subject to the following rules; (that is to say,)

- (1.) In every union the guardians of the poor, or other persons duly appointed to carry into execution the acts for the relief of the destitute poor and having the authority of guardians of the poor, may put out and bind as an apprentice to the sea service any boy who or whose parent or parents is or are receiving relief in such union, and who has attained the age of twelve years, and is of sufficient health and strength, and who consents to be so bound:
- (2.) If the cost of relieving any such boy is chargeable to an electoral division of a union, then (except in cases in which paid officers act in place of guardians) he shall not be bound as aforesaid unless the consent in writing of the guardians of such electoral division or of a majority of the guardians (if more than one) be first obtained, such consent to be, when possible, indorsed upon the indentures:
- (3.) The expense incurred in the binding and outfit of any such apprentice shall be charged to the union or electoral division (as the case may be) to which the boy or his parent or parents is or are chargeable at the time of his being apprenticed:
- (4.) All indentures made in any union may be sued upon by the guardians of the union or persons having the authority of guardians therein for the time being, by their name of office, and actions brought by them upon such indentures shall not abate by reason of death or change in the persons holding the office; but no such action shall be commenced without the consent of the Irish Poor Law Commissioners:
- (5.) The amount of the costs incurred in any such action, and not recovered from the defendant therein, may be charged upon the union or electoral division (as the case may be) to which the boy or his parent or parents was or were chargeable at the time of his being apprenticed.

Apprentices and their indentures to be brought before shipping master before each voyage in a foreign-going ship.

145. The master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United Kingdom, cause such apprentice to appear before the shipping master before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any); and the name of such apprentice, with the date of the indenture and of the assignment or assignments thereof (if any), and the name of the port or ports at which the same have been registered, shall be entered on the agreement; and for any default in obeying the provisions of this section the master shall for each offence incur a penalty not exceeding five pounds.

Engagement of Seamen.

Board of Trade may license persons to procure seamen.

Engagement of Seamen.

146. The Board of Trade may grant to such persons as it thinks fit licences to engage or supply seamen or apprentices for merchant ships in the United Kingdom, to continue for such periods, to be upon such terms, and to be revocable upon such conditions, as such board thinks proper.

Penalties:

for supplying seamen without licence;

147. The following offences shall be punishable as hereinafter mentioned; (that is to say,)

- (1.) If any person not licensed as aforesaid, other than the owner or master or a mate of a ship, or some person who is *bonâ fide* the servant and in the constant employ of the owner, or a shipping master duly appointed as aforesaid, engages or supplies any seaman or ap-

prentice to be entered on board any ship in the United Kingdom, he shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds:

- (2.) If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman or apprentice to be entered on board any ship in the United Kingdom, he shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds, and if licensed shall in addition forfeit his licence: for employing unlicensed persons;
- (3.) If any person knowingly receives or accepts to be entered on board any ship any seaman or apprentice who has been engaged or supplied contrary to the provisions of this act, he shall for every seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds. for receiving seamen illegally supplied.

148. If any person demands or receives, either directly or indirectly, from any seaman or apprentice, or from any person seeking employment as a seaman or apprentice, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offence incur a penalty not exceeding five pounds. Penalty for receiving remuneration from seamen for shipping them.

149. The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom (r), shall enter into an agreement with every seaman whom he carries to sea from any port in the United Kingdom as one of his crew in the manner hereinafter mentioned; and every such agreement shall be in a form sanctioned by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof; (that is to say,)

- (1.) The nature, and, as far as practicable, the duration of the intended voyage or engagement (s);
- (2.) The number and description of the crew, specifying how many are engaged as sailors;
- (3.) The time at which each seaman is to be on board or to begin work;
- (4.) The capacity in which each seaman is to serve;
- (5.) The amount of wages which each seaman is to receive;
- (6.) A scale of the provisions which are to be furnished to each seaman;
- (7.) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case, as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law: Provided that if the master of any ship belonging to any British possession has an agreement with his crew made in due form according to the law of the possession to which such ship belongs or in which her crew were engaged, and engages single seamen in the United Kingdom, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form sanctioned by the Board of Trade (t).

Proviso as to forms for colonial ships.

150. In the case of all foreign-going ships, in whatever part of her Majesty's dominions the same are registered, the following rules shall be observed with respect to agreements; (that is to say,)

- (1.) Every agreement made in the United Kingdom (except in such

For foreign-going ships such agreements, when made in the

(r) As to agreements with fishermen see the M. S. Act, 1873, s. 8.

(s) See the M. S. Act, 1873, s. 7.

(t) See *post*, "Forms," Nos. 24 and 25.

United Kingdom, except in special cases, to be made before and attested by a shipping master;
To be in duplicate;

Provision for substitutes.

Foreign-going ships making short voyages may have running agreements.

Engagement and discharge of seamen in the meantime.

Duplicates of running agreements, how to be dealt with.

Fees to be paid on such run-

cases of agreements with substitutes as are hereinafter specially provided for) shall be signed by each seaman in the presence of a shipping master:

- (2.) Such shipping master shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature:
- (3.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping master, and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master:
- (4.) In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion or other unforeseen cause, the engagement shall, when practicable, be made before some shipping master duly appointed in the manner hereinbefore specified; and whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

151. In the case of foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in the United Kingdom after such date, or the discharge of cargo consequent upon such arrival; and every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships; and every person engaged thereunder, if discharged in the United Kingdom, shall be discharged in the manner hereby required for the discharge of seamen belonging to other foreign-going ships.

152. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in the United Kingdom before the final termination of the agreement, discharge or engage before the shipping master at such port any seaman whom he is required by law so to discharge or engage, and shall upon every such return indorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as hereinbefore required, and shall deliver the agreement so indorsed to the shipping master; and any master who wilfully makes a false statement in such indorsement shall incur a penalty not exceeding twenty pounds; and the shipping master shall also sign an indorsement on the agreement to the effect that the provisions of this act relating to such agreement have been complied with, and shall redeliver the agreement so indorsed to the master.

153. In cases in which such running agreements are made, the duplicate agreement retained by the shipping master upon the first engagement of the crew shall either be transmitted to the registrar-general of seamen immediately, or be kept by the shipping master until the expiration of the agreement, as the Board of Trade directs.

154. For the purpose of determining the fees to be paid upon the en-

agement and discharge of seamen belonging to foreign-going ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates, and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

ning agree-
ments.

155. In the case of home trade ships, crews or single seamen may, if the master thinks fit, be engaged before a shipping master in the manner hereinbefore directed with respect to foreign-going ships; and in every case in which the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

In home trade
ships agree-
ment to be
entered into
before a ship-
ping master or
other witness.

156. In cases where several home trade ships belong to the same owner, the agreement with the seamen may, notwithstanding anything herein contained, be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement; but with the foregoing exception all provisions herein contained which relate to ordinary agreements for home trade ships shall be applicable to agreements made in pursuance of this section.

Special agree-
ments for
home trade
ships belong-
ing to same
owners.

157. If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner and at the place and time hereby in such case required, the master in the case of a foreign-going ship, and the master or owner in the case of a home trade ship, shall for each such offence incur a penalty not exceeding five pounds.

Penalty for
shipping sea-
men without
agreement
duly executed.

158. The master of every foreign-going ship of which the crew has been engaged before a shipping master shall before finally leaving the United Kingdom sign and send to the nearest shipping master a full and accurate statement in a form sanctioned by the Board of Trade of every change which takes place in his crew before finally leaving the United Kingdom, and in default shall for each offence incur a penalty not exceeding five pounds; and such statement shall be admissible in evidence, subject to all just exceptions.

Changes in
crew to be re-
ported.

159. Every master of a ship who, if such ship is registered in the United Kingdom, engages any seaman in any British possession, or if such ship belongs to any British possession engages any seaman in any British possession other than that to which the ship belongs, shall, if there is at the place where such seaman is engaged any official shipping master or other officer duly appointed for the purpose of shipping seamen, engage such seaman before such shipping master, and if there is no such shipping master or officer, then before some officer of customs; and the same rules, qualifications and penalties as are hereinbefore specified with respect to the engagement of seamen before shipping masters in the United Kingdom shall apply to such engagements in a British possession; and upon every such engagement such shipping master or officer as aforesaid shall indorse upon the agreement an attestation to the effect that the same has been signed in his presence, and otherwise made as hereby required; and if in any case such attestation is not made, the burden of proving that the seaman was duly engaged as hereby required shall lie upon the master.

Seamen en-
gaged in the
colonies to be
shipped before
some shipping
master or offi-
cer of customs.

160. Every master of a British ship who engages any seaman at any place out of her Majesty's dominions in which there is a British consular officer shall, before carrying such seaman to sea, procure the sanction of

Seamen en-
gaged in fo-
reign ports
to be shipped

with the sanction and in the presence of the consul.

such officer, and shall engage such seaman before such officer, and the same rules as are hereinbefore contained with respect to the engagement of seamen before shipping masters in the United Kingdom shall apply to such engagements made before consular officers; and upon every such engagement the consular officer shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise made as hereby required; and every master who engages any seaman in any place in which there is a consular officer, otherwise than as hereinbefore required, shall incur a penalty not exceeding twenty pounds; and if in any case the indorsement and attestation hereby required is not made upon the agreement, the burden of proving the engagement to have been made as hereinbefore required shall lie upon the master.

Rules as to production of agreements and certificates of masters and mates of foreign-going ships.

161. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships; (that is to say,) (u)

- (1.) The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the shipping master before whom the same is signed the certificates of competency or service which the said master and his first and second mate or only mate, as the case may be, are hereby required to possess: and upon such production being duly made, and the agreement being duly executed as hereby required, the shipping master shall sign and give to the master a certificate to that effect:
- (2.) In the case of running agreements for foreign-going ships the shipping master shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the shipping master the certificate of competency or service of any first, second or only mate then first engaged by him, a certificate to that effect:
- (3.) The master of every foreign-going ship shall, before proceeding to sea, produce the certificate so to be given to him by the shipping master as aforesaid to the collector or comptroller of customs, and no officer of customs shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such officer may detain her until such certificate as aforesaid is produced:
- (4.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver such agreement to a shipping master at the place; and such shipping master shall thereupon give to the master a certificate of such delivery; and no officer of customs shall clear any foreign-going ship inwards without the production of such certificate:

And if the master of any foreign-going ship fails to deliver the agreement to a shipping master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding five pounds.

Rules as to production of agreements and certificates for home trade ships.

162. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for home trade ships; (that is to say,) (u)

- (1.) In the case of home trade ships of more than eighty tons burden, no agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in the United Kingdom after such date, or the discharge of cargo consequent upon such arrival (v):

(u) See the M. S. Act, 1862, s. 10.

(v) See the M. S. Act, 1872, s. 16.

- (2.) The master or owner of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping master in the United Kingdom every agreement made within the six calendar months next preceding such days respectively, and shall also in the case of home trade passenger ships produce to the shipping master the certificates of competency or service which the said master, and his first or only mate, as the case may be, are hereby required to possess:
- (3.) The shipping master shall thereupon give to the master or owner a certificate of such delivery and production; and no officer of customs shall grant a clearance or transire for any such ship as last aforesaid without the production of such certificate; and if any such ship attempts to ply or go to sea without such clearance or transire, any such officer may detain her until the said certificate is produced:

And if the agreement for any home trade ship is not delivered or transmitted by the master or owner to a shipping master at the time and in the manner hereby directed, such master or owner shall for every default incur a penalty not exceeding five pounds.

163. Every erasure, interlineation or alteration in any such agreement with seamen as is required by the third part of this act (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration by the written attestation (if made in her Majesty's dominions) of some shipping master, justice, officer of customs or other public functionary, or (if made out of her Majesty's dominions) of a British consular officer, or, where there is no such officer, of two respectable British merchants.

Alterations to be void unless attested to have been made with the consent of all parties.

164. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement, shall for each such offence be deemed guilty of a misdemeanor.

Penalty for falsifying agreement.

165. Any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Seamen not to be bound to produce agreement.

166. The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew, and in default shall for each offence incur a penalty not exceeding five pounds.

Copy of agreement to be made accessible to crew.

167. Any seaman who has signed an agreement, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the Court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Seamen discharged before voyage to have compensation.

Allotment of Wages.

168. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and

Allotment of Wages.

Regulations as to allotment notes.

times of the payments to be made; and all allotment notes shall be in forms sanctioned by the Board of Trade (x).

Allotment notes may be sued on summarily by certain persons and under certain conditions.

169. The wife, or the father or mother, or the grandfather or grandmother, or any child or grandchild, or any brother or sister of any seaman in whose favour an allotment note of part of the wages of such seaman is made, may, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, and subject, as to the wife, to the provision hereinafter contained, sue for and recover the sums allotted by the note when and as the same are made payable, with costs, from the owner or any agent who has authorized the drawing of the note, either in the County Court or in the summary manner in which seamen are by this act enabled to sue for and recover wages not exceeding fifty pounds; and in any such proceeding it shall be sufficient for the claimant to prove that he or she is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the Court, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this act is required, or by a duly certified copy of some entry in the official log book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the Court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid: provided that the wife of any seaman who deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall thereupon forfeit all right to further payments of any allotment of his wages which has been made in her favour (y).

Discharge and Payment of Wages.

Discharge and Payment of Wages.

Discharge from foreign-going ships to be made before shipping master.

170. In the case of all British foreign-going ships, in whatever part of her Majesty's dominions the same are registered, all seamen discharged in the United Kingdom shall be discharged and receive their wages in the presence of a shipping master duly appointed under this act, except in cases where some competent Court otherwise directs; and any master or owner of any such ship who discharges any seaman belonging thereto, or, except as aforesaid, pays his wages within the United Kingdom in any other manner, shall incur a penalty not exceeding ten pounds; and in the case of home trade ships seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

Master to deliver account of wages.

171. Every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping master, to such shipping master, a full and true account in a form sanctioned by the Board of Trade of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding five pounds; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered; and the master shall, during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to such payments.

On discharge, master to give

172. Upon the discharge of any seaman, or upon payment of his wages,

(x) See *post*, "Forms," No. 24. (y) See *Meiklerid v. West*, 1 Q. B. D. 428.

the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Board of Trade, specifying the period of his service and the time and place of his discharge; and if any master fails to sign and give to any such seaman such certificate of discharge he shall for each such offence incur a penalty not exceeding ten pounds; and the master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding twenty pounds.

seamen certificates of discharge, and return certificates of competency or service to mates.

173. Every shipping master shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any Court of justice be deemed to be conclusive as to the rights of the parties; and no such submission or award shall require a stamp; and any document purporting to be such submission or award shall be *prima facie* evidence thereof.

Shipping master may decide questions which parties refer to him.

174. In any proceeding relating to the wages, claims or discharge of any seaman carried on before any shipping master under the provisions of this act, such shipping master may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce any log books, papers or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter; and every owner, agent, master, mate or other member of the crew who when called upon by the shipping master does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding five pounds.

Master and others to produce ship's papers to shipping masters, and give evidence.

175. The following rules shall be observed with respect to the settlement of wages; (that is to say,)

Settlement of wages.

(1.) Upon the completion before a shipping master of any discharge and settlement, the master or owner and each seaman shall respectively in the presence of the shipping master sign in a form sanctioned by the Board of Trade a mutual release of all claims in respect of the past voyage or engagement, and the shipping master shall also sign and attest it, and shall retain and transmit it as herein directed (z):

Release to be signed before and attested by the shipping master;

(2.) Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement:

to be discharge;

(3.) A copy of such release certified under the hand of such shipping master to be a true copy shall be given by him to any party thereto requiring the same; and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy:

and to be evidence;

(4.) In cases in which discharge and settlement before a shipping master are hereby required, no payment, receipt, settlement or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim:

No other receipt to be a discharge.

(5.) Upon any payment being made by a master before a shipping master, the shipping master shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall as between the master and his employer be received as evidence that he has made the payments therein mentioned.

Voucher to be given to master, and to be evidence.

Master to make reports of character.

176. Upon every discharge effected before a shipping master the master shall make and sign in a form sanctioned by the Board of Trade a report of the conduct, character and qualifications of the persons discharged, or may state in a column to be left for that purpose in the said form that he declines to give any opinion upon such particulars or upon any of them; and the shipping master shall transmit the same to the registrar-general of seamen, or to such other person as the Board of Trade directs, to be recorded, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him; and every person who makes, assists in making, or procures to be made any false certificate or report of the service, qualifications, conduct or character of any seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or report, or who fraudulently makes use of any certificate or report or of any copy of any certificate or report which is forged or altered or does not belong to him, shall for each such offence be deemed guilty of a misdemeanor (a).

Remittance of Wages and Savings Banks for Seamen.

Facilities may be given for remitting seamen's wages.

Remittance of Wages and Savings Banks for Seamen.

177. Facilities shall, if the Board of Trade so directs, be given for remitting the wages and other monies of seamen and apprentices to their relatives or other persons by means of money orders issued by shipping masters; and the Board of Trade may make regulations concerning such orders, and the persons by or to whom, and the mode and time in and at which, the same are to be paid, and may from time to time repeal or alter any such regulations; and all such regulations, so long as they are in force, shall be binding upon all persons interested or claiming to be interested in such orders, as well as upon the officers employed in issuing or paying the same: and no legal proceeding shall be instituted against the Board of Trade, or against any shipping master or other public officer employed about such orders, on account of any such regulations, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect or omission to pay any such money order, unless such refusal, neglect or omission arise from fraud or wilful misbehaviour on the part of the person against whom proceedings are instituted.

Power to pay when order is lost.

178. The Board of Trade may, in any case in which it thinks fit so to do, cause the amount of any such money order as aforesaid to be paid to the person to whom or in whose favour the same may have been granted, or to his personal representatives, legatees or next of kin, notwithstanding that such order may not be in his or their possession; and in all such cases from and after such payment the Board of Trade and every shipping master or other officer of the Board of Trade shall be freed from all liability in respect of such order.

Penalty for issuing money orders with fraudulent intent.

179. Every shipping master or other public officer who grants or issues any money order with a fraudulent intent shall in England or Ireland be deemed guilty of felony, and in Scotland of a high crime and offence, and shall be liable to be kept in penal servitude for a term not exceeding four years.

Savings banks for seamen may be established.

180. The Commissioners for the Reduction of the National Debt, or the comptroller-general acting under them, may, on the application and recommendation of the Board of Trade, establish savings banks at such ports and places within the United Kingdom, either in the shipping offices established in such ports or elsewhere, as may appear to be expedient, and may appoint treasurers to receive from or on account of seamen, or the wives and families of seamen, desirous to become depositors in such savings

(a) See *Reg. v. Wilson*. 27 L. J., M. C. 230.

banks, deposits to an amount not exceeding one hundred and fifty pounds in the whole in respect of any one account, under such regulations as may be prescribed by the said Commissioners or comptroller-general; and such regulations shall be binding on all such treasurers and depositors; and the said Commissioners may remove such treasurers, and appoint others in their place; and all the provisions of the acts now in force relating to savings banks, except so far as relates to the annual amount of deposit, shall apply to all savings banks which may be established under the authority of this act, and to such treasurers and depositors as aforesaid (b).

Legal Rights to Wages.

Legal Rights to Wages.

181. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens (c).

Right to wages and provisions when to begin.

182. No seaman shall by any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative (d).

Seamen not to give up certain rights.

183. No right to wages shall be dependent on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo and stores shall bar his claim.

Wages not to be dependent on the earning of freight.

184. If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

In case of death, such wages to be paid as after mentioned.

185. In cases where the service of any seaman terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted as hereinafter mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Rights to wages in case of termination of service by wreck or illness.

186. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the Court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Wages not to accrue during refusal to work or imprisonment.

187. The master or owner of every ship shall pay to every seaman his wages within the respective periods following; (that is to say,) in the case of a home trade ship within two days after the termination of the agreement or at the time when such seaman is discharged, whichever first happens; and in the case of all other ships (except ships employed in the

Period within which wages are to be paid.

(b) See the M. S. Act, 1855, s. 17; the Seamen's Savings Banks Act, 1856 (19 & 20 Vict. c. 41).

4 C. P. 330.

(c) See *Britten v. Thompson*, L. R.,

(d) See the M. S. Act, 1862, s. 18, and see *The Ganges*, L. R., 2 A. & E. 370.

Master to make reports of character.

176. Upon every discharge effected before a shipping master the master shall make and sign in a form sanctioned by the Board of Trade a report of the conduct, character and qualifications of the persons discharged, or may state in a column to be left for that purpose in the said form that he declines to give any opinion upon such particulars or upon any of them; and the shipping master shall transmit the same to the registrar-general of seamen, or to such other person as the Board of Trade directs, to be recorded, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him; and every person who makes, assists in making, or procures to be made any false certificate or report of the service, qualifications, conduct or character of any seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or report, or who fraudulently makes use of any certificate or report or of any copy of any certificate or report which is forged or altered or does not belong to him, shall for each such offence be deemed guilty of a misdemeanor (a).

Remittance of Wages and Savings Banks for Seamen.

Facilities may be given for remitting seamen's wages.

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Power to pay when order is lost.

178. The Board of Trade may, in any case in which it thinks fit so to do, cause the amount of any such money order as aforesaid to be paid to the person to whom or in whose favour the same may have been granted, or to his personal representatives, legatees or next of kin, notwithstanding that such order may not be in his or their possession; and in all such cases from and after such payment the Board of Trade and every shipping master or other officer of the Board of Trade shall be freed from all liability in respect of such order.

Penalty for issuing money orders with fraudulent intent.

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(a) See *Reg. v. Wilson*. 27 L. J., M. C. 230.

banks, deposits to an amount not exceeding one hundred and fifty pounds in the whole in respect of any one account, under such regulations as may be prescribed by the said Commissioners or comptroller-general; and such regulations shall be binding on all such treasurers and depositors; and the said Commissioners may remove such treasurers, and appoint others in their place; and all the provisions of the acts now in force relating to savings banks, except so far as relates to the annual amount of deposit, shall apply to all savings banks which may be established under the authority of this act, and to such treasurers and depositors as aforesaid (b).

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Legal Rights to Wages.

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Seamen not to give up certain rights.

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Wages not to be dependent on the earning of freight.

184. If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

In case of death, such wages to be paid as after mentioned.

185. In cases where the service of any seaman terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted as hereinafter mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Rights to wages in case of termination of service by wreck or illness.

186. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the Court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Wages not to accrue during refusal to work or imprisonment.

187. The master or owner of every ship shall pay to every seaman his wages within the respective periods following; (that is to say,) in the case of a home trade ship within two days after the termination of the agreement or at the time when such seaman is discharged, whichever first happens; and in the case of all other ships (except ships employed in the

Period within which wages are to be paid.

(b) See the M. S. Act, 1855, s. 17; the Seamen's Savings Banks Act, 1856 (19 & 20 Vict. c. 41).

4 C. P. 330.

(c) See *Britton v. Thompson*, L. R.,

(d) See the M. S. Act, 1862, s. 18, and see *The Ganges*, L. R., 2 A. & E. 370.

southern whale fishery or on other voyages for which seamen by the terms of their agreement are wholly compensated by shares in the profits of the adventure) within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one-fourth part of the balance due to him; and every master or owner who neglects or refuses to make payment in manner aforesaid, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

*Mode of
recovering
Wages.*

Seamen may
sue for wages
in a summary
manner.

Mode of recovering Wages.

188. Any seaman or apprentice, or any person duly authorized on his behalf, may sue in a summary manner before any two justices of the peace acting in or near to the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, or in Scotland either before any such justices or before the sheriff of the county within which any such place is situated, for any amount of wages due to such seaman or apprentice not exceeding fifty pounds over and above the costs of any proceeding for the recovery thereof, so soon as the same becomes payable; and every order made by such justices or sheriff in the matter shall be final.

Restrictions
on suits for
wages in Su-
perior Courts.

189. No suit or proceeding for the recovery of wages under the sum of fifty pounds shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, or in the Court of Session in Scotland, or in any superior Court of Record in her Majesty's dominions, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest or is sold by the authority of any such Court as aforesaid, or unless any justices acting under the authority of this act refer the case to be adjudged by such Court, or unless neither the owner nor master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore (e).

No seaman to
sue for wages
abroad, except
in cases of
discharge or of
danger to life.

190. No seaman who is engaged for a voyage or engagement which is to terminate in the United Kingdom shall be entitled to sue in any Court abroad for wages, unless he is discharged with such sanction as herein required, and with the written consent of the master, or proves such ill-usage on the part of the master, or by his authority as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this enactment would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding twenty pounds as the Court hearing the case thinks reasonable.

Master to have
same remedies
for wages as
seamen.

191. Every master of a ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages which by this act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if in any proceeding in any Court of Admiralty or Vice-Admiralty touching the claim of a master to wages any right of set-off or counter-claim is set up, it shall be lawful for such Court to enter into and adjudicate upon all questions and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due (f).

(e) See the Admiralty Court Act, 1861 (24 Vict. c. 10), s. 10, and the County Courts Admiralty Jurisdiction Act, 1868 (31 & 32 Vict. c. 71), ss. 3

and 9.

(f) *The Milford*, Swa. 362; *The City of Mobile*, L. R. 4 A. & E. 191; *The Daring*, L. R., 2 A. & E. 260.

Relief to Seamen's Families out of Poor Rates.

192. Whenever during the absence of any seaman on a voyage his wife, children, and stepchildren, or any of them, become or becomes chargeable to any union or parish in the United Kingdom, such union or parish shall be entitled to be reimbursed out of the wages of such seaman earned during such voyage any sums properly expended during his absence in the maintenance of his said relations, or any of them, so that such sums do not exceed the following proportions of his said wages; (that is to say,)

- (1.) If only one of such relations is chargeable, one-half of such wages:
- (2.) If two or more of such relations are chargeable, two-thirds of such wages:

But if during the absence of the seaman any sums have been paid by the owner to or on behalf of any such relation as aforesaid, under an allotment note given by the seaman in his, her, or their favour, any such claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages hereinbefore mentioned over the sums so paid.

193. For the purpose of obtaining such reimbursement as aforesaid, the guardians of the union or parish, where the relief of the poor is administered by guardians, and the overseers of the poor of any other parish in England, and the guardians or other persons having the authority of guardians in any union in Ireland, and the inspector of the poor in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make the claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on such return to give to such guardians, overseers, persons or inspector notice in writing of such return; and such owner, after receiving such notice as aforesaid, shall be bound to retain the said proportion of wages, and to give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim; and the said guardians, overseers, persons or inspector may upon the seaman's return apply in a summary way in England or Ireland to any two justices having jurisdiction in such union or parish as aforesaid, and in Scotland to the sheriff of the county, for an order for such reimbursement as aforesaid; and such justices or sheriff may hear the case and may make an order for such reimbursement to the whole extent aforesaid, or to such lesser amount as they or he may under the circumstances think fit; and the owner shall pay to such guardians, overseers, persons or inspector, out of the seaman's wages, the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman; and if no such order as aforesaid is obtained within the period mentioned in the notice so to be given to the owner as aforesaid, the proportion of wages so to be retained by him as aforesaid shall immediately on the expiration of such period, and without deduction, be payable to the seaman.

Wages and Effects of deceased Seamen.

194. Whenever any seaman or apprentice belonging to or sent home in any British ship, whether a foreign-going ship or a home trade ship, employed on a voyage which is to terminate in the United Kingdom, dies during such voyage, the master shall take charge of all money, clothes and effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log book containing the following particulars; (that is to say,)

- (1.) A statement of the amount of the money and a description of the effects so left by the deceased:

Relief to Seamen's Families out of Poor Rates.

Relief to seamen's families to be chargeable on a certain proportion of their wages.

Notice to be given to owner, and charge to be enforced on the return of the seaman.

Wages and Effects of deceased Seamen.

Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same and wages due in the official log.

- (2.) In case of a sale, a description of each article sold, and the sum received for each:
- (3.) A statement of the sum due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom (g) :

And shall cause such entry to be attested by a mate and by one of the crew.

Such effects and wages to be paid either to consul or to shipping master, with full accounts.

195. In the cases provided for by the last preceding section, the following rules shall be observed; (that is to say.)

- (1.) If the ship proceeds at once to any port in the United Kingdom without touching on the way at any foreign port, the master shall within forty-eight hours after his arrival deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of or received from such sale as aforesaid, and also the balance of wages due to the deceased, to the shipping master at the port of destination in the United Kingdom:
- (2.) If the ship touches and remains for forty-eight hours at some foreign port or at some port in her Majesty's dominions abroad before coming to any port in the United Kingdom, the master shall report the case to the British consular officer or officer of customs there, as the case may be, and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage; and such officer may thereupon, if he considers it expedient so to do, require the said effects, money and wages to be delivered and paid to him, and shall upon such delivery and payment give to the master a receipt, and the master shall within forty-eight hours after his arrival at his port of destination in the United Kingdom produce the same to the shipping master there; and such consular officer or officer of customs shall in such case indorse and certify upon the agreement with the crew such particulars with respect to such delivery and payment as the Board of Trade requires:
- (3.) If such officer as aforesaid does not require such payment and delivery to be made to him, the master shall take charge of the said effects, money and wages, and shall within forty-eight hours after his arrival at his port of destination in the United Kingdom deliver and pay the same to the shipping master there:
- (4.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to the Board of Trade, or to such officer or shipping master as aforesaid, an account in such form as they respectively require of the effects, money and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified, if there is any official log book, by such entry therein as hereinbefore required, and also by such other vouchers (if any) as may be reasonably required by the Board of Trade, or by the officer or shipping master to whom the account is rendered:
- (5.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United Kingdom, the shipping master shall grant to the master a certificate to that effect, and no officer of customs shall clear inwards any foreign-going ship without the production of such certificate.

Penalties for not taking charge of, remitting, or accounting for such monies and effects.

196. If any master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as hereinbefore respectively directed, he shall be account-

(g) See the M. S. Act, 1862, s. 21.

able for the money, wages and effects of the seaman or apprentice to the Board of Trade, and shall pay and deliver the same accordingly; and such master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for, or if such value is not ascertained, not exceeding fifty pounds; and if any such money, wages or effects are not duly paid, delivered or accounted for by the master, the owner of the ship shall pay, deliver and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is hereinbefore mentioned as incurred by the master for the like offence; and all money, wages and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same Courts and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

197. If any such seaman or apprentice as last aforesaid (A) dies abroad at any place either in or out of her Majesty's dominions leaving any money or effects not on board his ship, the chief officer of customs or the British consular officer at or nearest to the place, as the case may be, shall claim and take charge of such money and effects; and such officer shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions hereinbefore contained; and every such officer shall, quarterly or at such other times as the Board of Trade directs, remit to her Majesty's Paymaster-General all monies belonging to or arising from the sale of the effects of or paid as the wages of any deceased seamen or apprentices which have come to his hands under the provisions hereinbefore contained, and shall render such accounts in respect thereof as the Board of Trade requires.

Officers of customs and consuls to take charge of effects left by seamen abroad, and to remit the same and their wages to Board of Trade.

198. Whenever any seaman or apprentice dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver or account for the same to the shipping master at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as it directs.

Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade.

199. If the money and effects of any deceased seaman or apprentice paid, delivered or remitted to the Board of Trade or its agents, including the monies received for any part of the said effects which have been sold either before delivery to the Board of Trade or by its direction, do not exceed in value the sum of fifty pounds, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects as the said Board thinks proper to allow, the said Board may, if it thinks fit so to do, pay and deliver the said money and effects either to any claimants who can prove themselves to the satisfaction of the said Board either to be his widow or children, or to be entitled to the effects of the deceased under his will (if any), or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, or to be entitled to procure probate or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered, or may, if it thinks fit so to do, require probate or letters of administration or confirmation to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and all claimants to whom such money or effects are so paid or delivered shall apply the same

If less than 50%, wages and property of deceased seamen may be paid over without probate or administration to the persons entitled.

(A) This section applies to any seaman or apprentice who has within six months immediately preceding his

death belonged to a British ship. M. S. Act, 1862, s. 20.

in due course of administration; and if such money and effects exceed in value the sum of fifty pounds, then, subject to the provisions hereinafter contained and to deduction for expenses, the Board of Trade shall pay and deliver the same to the legal personal representatives of the deceased.

Mode of payment under wills made by seamen.

200. In cases where the deceased seaman or apprentice has left a will the Board of Trade shall have the following powers (that is to say,)

- (1.) It may in its discretion refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship unless such will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship, and is attested by such master or mate:
- (2.) It may in its discretion refuse to pay or deliver any such wages or effects as aforesaid to any person not being related to the testator by blood or marriage who claims to be entitled thereto under a will made elsewhere than on board ship, unless such will is in writing, and is signed or acknowledged by the testator in the presence of two witnesses, one of whom is some shipping master appointed under this act, or some minister or officiating minister or curate of the place in which the same is made, or, in a place where there are no such persons, some justice of the peace, or some British consular officer, or some officer of customs, and is attested by such witnesses:

Whenever any claim made under a will is rejected by the Board of Trade on account of the said will not being made and attested as hereinbefore required, the wages and effects of the deceased shall be dealt with as if no will had been made.

Provision for payment of just claims by creditors, and for preventing fraudulent claims.

201. The following rules shall be observed with respect to creditors of deceased seamen and apprentices; (that is to say,)

- (1.) No such creditor shall be entitled to claim from the Board of Trade the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him, or by virtue of confirmation in Scotland as executor creditor:
- (2.) No such creditor shall be entitled by any means whatever to payment of his debt out of such wages and effects, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after such death:
- (3.) Subject as aforesaid, the steps to be taken for procuring payment of such debt shall be as follows (that is to say): Every person making a demand as creditor shall deliver to the Board of Trade an account in writing in such form as it requires, subscribed with his name, stating the particulars of his demand and the place of his abode, and verified by his declaration made before a justice:
- (4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child, or under a will or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, has been allowed, the Board of Trade shall give notice to the creditor of the allowance of such person's claim, and the creditor shall thereupon have the same rights and remedies against such person as if he or she had received the said wages and effects as the legal personal representative of the deceased:
- (5.) If no claim by any such person has been allowed, the Board of Trade shall proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers and papers relating thereto; and if by such means the creditor duly satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the assets in the hands of

the Board of Trade will extend for that purpose, and such payment shall discharge the Board of Trade from all further liability in respect of the money so paid; but if such Board is not so satisfied, or if such books, accounts, vouchers or papers as aforesaid are not produced, and no sufficient reason is assigned for not producing them, the demand shall be disallowed:

- (6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as hereinbefore required by any person interested therein as a widow or child, or under a will, or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, the Board of Trade may pay and deliver the same to such person; and thereupon the creditor shall have the same rights and remedies against such person as if he or she had received the same as the legal personal representative of the deceased.

202. In cases of wages or effects of deceased seamen or apprentices received by the Board of Trade to which no claim is substantiated within six years after the receipt thereof by such Board, it shall be in the absolute discretion of such Board, if any subsequent claim is made, either to allow or to refuse the same; and, subject to the provision hereinafter contained, the Board of Trade shall from time to time pay any monies arising from the unclaimed wages and effects of deceased seamen, which in the opinion of such Board it is not necessary to retain for the purpose of satisfying claims, into the receipt of her Majesty's Exchequer in such manner as the Treasury directs, and such monies shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Mode of dealing with unclaimed wages of deceased seamen.

203. Every person who, for the purpose of obtaining, either for himself or for another, any money or effects of any deceased seaman or apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show or assist in showing a right to such wages or effects, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with penal servitude for a term not exceeding four years, or with imprisonment with or without hard labour for any period not exceeding two years, or if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Punishment for forgery and false representations in order to obtain wages and property of deceased seamen.

204. In the case of seamen invalided or discharged from any of her Majesty's ships, and sent home in merchant ships, any monies or effects belonging to them which are paid, remitted or delivered to the Board of Trade, or its agents, under the provisions hereinbefore contained, shall be paid over and disposed of in such manner as the Accountant-General of her Majesty's Navy directs.

Effects of seamen discharged from navy to be disposed of by accountant-general of navy.

Leaving Seamen abroad.

205. Whenever any British ship is transferred or disposed of at any place out of her Majesty's dominions, and any seaman or apprentice belonging thereto does not in the presence of some British consular officer, or, if there is no such consular officer there, in the presence of one or more respectable British merchants residing at the place, and not interested in the said ship, signify his consent in writing to complete the voyage if con-

Leaving Seamen abroad.

On discharge of seamen abroad, by sale of ship or otherwise, cer-

tificates of discharge to be given, and seamen to be sent home at expense of owner.

tinued, and whenever the service of any seaman or apprentice belonging to any British ship terminates at any place out of her Majesty's dominions, the master shall give to each such seaman or apprentice a certificate of discharge in the form sanctioned by the Board of Trade as aforesaid, and in the case of any certificated mate whose certificate he has retained shall return such certificate to him, and shall also, besides paying the wages to which such seaman or apprentice is entitled, either provide him with adequate employment on board some other British ship bound to the port in her Majesty's dominions at which he was originally shipped, or to such other port in the United Kingdom as is agreed upon by him, or furnish the means of sending him back to such port, or provide him with a passage home, or deposit with such consular officer or such merchant or merchants as aforesaid such a sum of money as is by such officer or merchants deemed sufficient to defray the expenses of his subsistence and passage home; and such consular officer or merchants shall indorse upon the agreement of the ship which the seaman or apprentice is leaving the particulars of such payment, provision or deposit; and if the master refuses or neglects to comply with the requirements of this section, such expenses as last aforesaid, if defrayed by such consular officer or by any other person, shall, unless such seaman or apprentice has been guilty of barratry, be a charge upon the ship to which such seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered against such owners, with costs, at the suit of the consular officer or other person defraying such expenses, or, in case the same has been allowed to the consular officer out of the public monies, as a debt due to her Majesty either by ordinary process of law, or in the manner in which seamen are hereby enabled to recover wages; and such expenses, if defrayed by the seaman or apprentice, shall be recoverable as wages due to him.

Forcing seamen on shore a misdemeanor.

206. If the master or any other person belonging to any British ship wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind, in any place, on shore or at sea, in or out of her Majesty's dominions, any seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged or the return of the ship to the United Kingdom, he shall for each such offence be deemed guilty of a misdemeanor.

No seamen to be discharged or left abroad without certificate of some functionary.

207. If the master of any British ship does any of the following things; (that is to say.)

- (1.) Discharges any seaman or apprentice in any place situate in any British possession abroad (except the possession in which he was shipped), without previously obtaining the sanction in writing indorsed on the agreement of some public shipping master or other officer duly appointed by the local government in that behalf, or (in the absence of any such functionary) of the chief officer of customs resident at or near the place where the discharge takes place:
- (2.) Discharges any seaman or apprentice at any place out of her Majesty's dominions without previously obtaining the sanction so indorsed as aforesaid of the British consular officer there, or (in his absence) of two respectable merchants resident there:
- (3.) Leaves behind any seaman or apprentice at any place situate in any British possession abroad on any ground whatever, without previously obtaining a certificate in writing so indorsed as aforesaid from such officer or person as aforesaid, stating the fact and the cause thereof, whether such cause be unfitness or inability to proceed to sea, or desertion or disappearance:
- (4.) Leaves behind any seaman or apprentice at any place out of her Majesty's dominions, on shore or at sea, on any ground whatever, without previously obtaining the certificate indorsed in manner and to the effect last aforesaid of the British consular officer there, or

(in his absence) of two respectable merchants, if there is any such at or near the place where the ship then is:

He shall for each such default be deemed guilty of a misdemeanor; and the said functionaries shall and the said merchants may examine into the grounds of such proposed discharge, or into the allegation of such unfitness, inability, desertion or disappearance as aforesaid, in a summary way, and may for that purpose, if they think fit so to do, administer oaths, and may either grant or refuse such sanction or certificate as appears to them to be just (i).

208. Upon the trial of any information, indictment or other proceeding against any person for discharging or leaving behind any seaman or apprentice, contrary to the provisions of this act, it shall lie upon such person either to produce the sanction or certificate hereby required, or to prove that he had obtained the same previously to having discharged or left behind such seaman or apprentice, or that it was impracticable for him to obtain such sanction or certificate.

Proof of such certificate to be upon the master.

209. Every master of any British ship who leaves any seaman or apprentice on shore at any place abroad in or out of her Majesty's dominions, under a certificate of his unfitness or inability to proceed on the voyage, shall deliver to one of the functionaries aforesaid or (in the absence of such functionaries) to the merchants by whom such certificate is signed, or, if there be but one respectable merchant resident at such place, to him, a full and true account of the wages due to such seaman or apprentice, such account when delivered to a consular officer to be in duplicate, and shall pay the same either in money or by a bill drawn upon the owner; and in the case of every bill so drawn, such functionary, merchants or merchant as aforesaid, shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's wages, and shall also indorse the amount for which such bill is drawn, with such further particulars in respect of the case as the Board of Trade requires, upon the agreement of the ship; and every such master as aforesaid who refuses or neglects to deliver a full account of such wages, and pay the amount thereof in money or by bill, as hereinbefore required, shall for every such offence or default be liable, in addition to the payment of the wages, to a penalty not exceeding ten pounds; and every such master who delivers a false account of such wages shall for every such offence, in addition to the payment of the wages, incur a penalty not exceeding twenty pounds (k).

Wages to be paid when seamen are left behind on ground of inability.

210. Every such payment as last aforesaid, whether by bill or in money, shall, if made in any British possession, be made to the seaman or apprentice himself, and, if made out of her Majesty's dominions, to the consular officer, who shall, if satisfied with the account, indorse on one of the duplicates thereof a receipt for the amount paid or bill delivered, and shall return the same to the master; and the master shall, within forty-eight hours after his return to his port of destination in the United Kingdom, deliver the same to the shipping master there; and the consular officer shall retain the other duplicate of the said account, and shall, if the seaman or apprentice subsequently obtains employment at or otherwise quits the port, deduct out of the sum received by him as aforesaid any expenses which have been incurred by him in respect of the subsistence of the seaman or apprentice under the provisions herein contained, except such as the master or owner of the ship is hereby required to pay, and shall pay the remainder to the seaman or apprentice, and shall also deliver to him an account of the sum so received and expended on his behalf; and shall, if the seaman or apprentice dies before his ship quits the port, deal with the same in the manner hereinafter specified in that behalf, and shall, if

Such wages to be treated as money due to the seamen, subject to payment of expense of their subsistence and passage home.

(i) As to masters leaving Lascars in distress, in the United Kingdom, see the M. S. Repeal Act, 1864, s. 16.

(k) See the M. S. Act, 1862, s. 19, and see *The Rajah of Cochin*, Swa. 473.

the seaman or apprentice is sent home at the public expense under the provisions herein contained, account for the amount received to the Board of Trade; and such amount shall, after deducting any expenses which have been duly incurred in respect of such seaman or apprentice, except such as the master or owner of the ship is hereby required to pay, be dealt with as wages to which he is entitled, and shall be paid accordingly.

Distressed seamen found abroad may be relieved and sent home at the public expense.

211. The governors, consular officers and other officers of her Majesty in foreign countries shall, and in places where there are no such governors or officers any two resident British merchants may, provide for the subsistence of all seamen or apprentices, being subjects of her Majesty, who have been shipwrecked, discharged, or left behind at any place abroad, whether from any ship employed in the merchant service or from any of her Majesty's ships, or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power or to the subject of any foreign state, and who are in distress in any place abroad, until such time as they are able to provide them with a passage home, and for that purpose shall cause such seamen or apprentices to be put on board some ship belonging to any subject of her Majesty bound to any port of the United Kingdom, or to the British possession to which they belong, (as the case requires,) which is in want of men to make up its complement, and in default of any such ship shall provide them with a passage home as soon as possible in some ship belonging to a subject of her Majesty so bound as aforesaid, and shall indorse on the agreement of any ship on board of which any seaman or apprentice is so taken or sent the name of every person so sent on board thereof, with such particulars concerning the case as the Board of Trade requires, and shall be allowed for the subsistence of any such seaman or apprentice such sum *per diem* as the Board of Trade from time to time appoints; and the amount due in respect of such allowance shall be paid out of any monies applicable to the relief of distressed British seamen, and granted by Parliament for the purpose, on the production of the bills of the disbursements, with the proper vouchers (*l*).

Masters of British ships compelled to take them.

212. The master of every British ship so bound as aforesaid shall receive and afford a passage and subsistence to all seamen or apprentices whom he is required to take on board his ship under the provisions hereinbefore contained, not exceeding one for every fifty tons burden, and shall during the passage provide every such seaman or apprentice with a proper berth or sleeping place effectually protected against sea and weather; and on the production of a certificate signed by any governor, consular officer, or merchants by whose directions any such seaman or apprentice was received on board, specifying the number and names of such seamen or apprentices, and the time when each of them respectively was received on board, and on a declaration made by such person before a justice, and verified by the registrar-general of seamen, stating the number of days during which each seaman or apprentice received subsistence and was provided for as aforesaid on board his ship, and stating also the number of men and boys forming the complement of his crew, and the number of seamen and apprentices employed on board his ship during such time, and every variation (if any) of such number, such person shall be entitled to be paid out of the said monies applicable to the relief of distressed British seamen in respect of the subsistence and passage of every seaman or apprentice so conveyed, subsisted and provided for by him exceeding the number (if any) wanted to make up the complement of his crew, such sum *per diem* as the Board of Trade from time to time appoints; and if any person having charge of any such ship fails or refuses to receive on board his ship, or to give a passage home, or subsistence to, or to provide for any such seaman or apprentice as aforesaid, contrary to the provisions of this act, he shall incur a penalty not exceeding one hundred pounds for each

(*l*) See the M. S. Act, 1862, s. 22.

seaman or apprentice with respect to whom he makes such default or refusal (m).

213. If any seaman or apprentice belonging to any British ship is discharged or left behind at any place out of the United Kingdom, without full compliance on the part of the master with all the provisions in that behalf in this act contained, and becomes distressed and is relieved under the provisions of this act, or if any subject of her Majesty, after having been engaged by any person (whether acting as principal or agent) to serve in any ship belonging to any foreign power, or to the subject of any foreign power, becomes distressed and is relieved as aforesaid the wages (if any) due to such seaman or apprentice, and all expenses incurred for his subsistence, necessary clothing, conveyance home, and burial, in case he should die abroad before reaching home, shall be a charge upon the ship, whether British or foreign, to which he so belonged as aforesaid; and the Board of Trade may in the name of her Majesty (besides suing for any penalties which may have been incurred) sue for and recover the said wages and expenses, with costs, either from the master of such ship as aforesaid, or from the person who is owner thereof for the time being, or, in the case of such engagement as aforesaid for service in a foreign ship, from such master or owner, or from the person by whom such engagement was so made as aforesaid; and such sums shall be recoverable either in the same manner as other debts due to her Majesty, or in the same manner and by the same form and process in which wages due to the seaman would be recoverable by him; and in any proceedings for that purpose production of the account (if any) to be furnished as hereinbefore is provided in such cases, together with proof of payment by the Board of Trade or by the paymaster-general of the charges incurred on account of any such seaman, apprentice or other person, shall be sufficient evidence that he was relieved, conveyed home or buried (as the case may be) at her Majesty's expense (n).

Power to sue for the amount advanced for the relief of seamen left abroad.

Volunteering into the Navy.

214. Any seaman may leave his ship for the purpose of forthwith entering into the naval service of her Majesty, and such leaving his ship shall not be deemed a desertion therefrom, and shall not render him liable to any punishment or forfeiture whatever; and all stipulations introduced into any agreement whereby any seaman is declared to incur any forfeiture or be exposed to any loss in case he enters into her Majesty's naval service shall be void, and every master or owner who causes any such stipulation to be so introduced shall incur a penalty not exceeding twenty pounds.

Volunteering into the Navy.

Seamen allowed to leave their ships in order to enter the navy.

215. Whenever any seaman, without having previously committed any act amounting to and treated by the master as desertion, leaves his ship in order to enter into the naval service of her Majesty and is received into such service, the master shall deliver to him his clothes and effects on board such ship, and shall pay the proportionate amount of his wages down to the time of such entry, subject to all just deductions as follows; (that is to say,) the master of the said ship shall pay the same to the officer authorized to receive such seaman into her Majesty's service, either in money or by bill drawn upon the owner and payable at sight to the order of the accountant-general of the navy: and the receipt of such officer shall be a discharge for the money or bill so given; and such bill shall be exempt from stamp duty; and if such wages are paid in money, such money shall be credited in the muster book of the ship to the account of the said seaman; and if such wages are paid by bill, such bill shall be noted in the said muster book and shall be sent to the said accountant-general, who shall present the same or cause the same to be presented for

Clothes to be delivered at once.

Wages to be given to the Queen's officer on account of the seamen.

(m) See the M. S. Act, 1862, s. 22.

(n) See the M. S. Act, 1855, s. 16.

payment, and shall credit the produce thereof to the account of the said seaman; and such money or produce (as the case may be) shall not be paid to the said seaman until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he had so quitted as aforesaid; and if any such bill is not duly paid when presented, the said accountant-general or the seaman on whose behalf the same is given may sue thereon or may recover the wages due by all or any of the means by which wages due to merchant seamen are recoverable; and if upon any seaman leaving his ship in the manner and for the purpose aforesaid, the master fails to deliver his clothes and effects, or to pay his wages as hereinbefore required, he shall, in addition to his liability to pay and deliver the same, incur a penalty not exceeding twenty pounds; provided that no officer who receives any such bill as aforesaid shall be subject to any liability in respect thereof, except for the safe custody thereof until sent to the said accountant-general as aforesaid.

Repayment to owner of advance paid and not duly earned.

216. If upon any seaman leaving his ship for the purpose of entering the naval service of her Majesty, the owner or master of such ship shows to the satisfaction of the Admiralty that he has paid or properly rendered himself liable to pay an advance of wages to or on account of such seaman, and that such seaman has not at the time of quitting his ship duly earned such advance by service therein, and, in the case of such liability as aforesaid, if such owner or master actually satisfies the same, it shall be lawful for the Admiralty to pay to such owner or master so much of such advance as has not been duly earned, and to deduct the sum so paid from the wages of the seaman earned or to be earned in the naval service of her Majesty.

If new seamen are engaged instead of the original seamen, the owner may apply for repayment of any extra expense he has been put to.

217. If, in consequence of any seaman so leaving his ship without the consent of the master or owner thereof, it becomes necessary for the safety and proper navigation of the said ship to engage a substitute or substitutes, and if the wages or other remuneration paid to such substitute or substitutes for subsequent service exceed the wages or remuneration which would have been payable to the said seaman under his agreement for similar service, the master or owner of the said ship may apply to the registrar of the High Court of Admiralty in England for a certificate authorizing the repayment of such excess; and such application shall be in such form, and shall be accompanied by such documents, and by such statements, whether on oath or otherwise, as the judge of the said Court from time to time directs.

Application how to be decided on, and amount of repayment how to be ascertained.

218. The said registrar shall, upon receiving any such application as aforesaid, give notice thereof in writing, and of the sum claimed, to the secretary to the Admiralty, and shall proceed to examine the said application, and may call upon the registrar-general of seamen to produce any papers in his possession relating thereto, and may call for further evidence; and if the whole of the claim appears to him to be just, he shall give a certificate accordingly; but if he considers that such claim or any part thereof is not just, he shall give notice of such his opinion in writing under his hand to the person making the said application or his attorney or agent; and if within sixteen days from the giving of such notice such person does not leave or cause to be left at the office of the registrar of the said Court a written notice demanding that the said application shall be referred to the judge of the said Court, then the said registrar shall finally decide thereon, and certify accordingly; but if such notice be left as aforesaid, then the said application shall stand referred to the said judge in his chambers, and his decision thereon shall be final, and the said registrar shall certify the same accordingly; and the said registrar and judge respectively shall in every proceeding under this act have full power to administer oaths, and to exercise all the ordinary powers of the Court, as in any other proceeding within its jurisdiction; and the said

registrar or judge (as the case may be) may, if he thinks fit, allow for the costs of any proceeding under this act any sum not exceeding five pounds for each seaman so quitting his ship as aforesaid; and such sum shall be added to the sum allowed, and shall be certified by the said registrar accordingly.

219. Every certificate so given shall be sent by post or otherwise to the person making the application, his attorney or agent, and a copy thereof shall be sent to the accountant-general of the navy; and such accountant-general shall, upon delivery to him of the said original certificate, together with a receipt in writing purporting to be a receipt from the master or owner making the application, pay to the person delivering the same out of the monies applicable to the naval service of her Majesty, and granted by Parliament for the purpose, the amount mentioned in such certificate; and such certificate and receipt shall absolutely discharge the said accountant-general and her Majesty from all liability in respect of the money so paid or of the said application.

Accountant-general to pay sums when ascertained.

220. Every person who, in making or supporting any such application as aforesaid to the registrar of the High Court of Admiralty, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, and every person who in making or supporting any such application presents or makes use of any such forged or altered document, or who in making or supporting any such application makes or gives, or assists in making or giving, or procures to be made or given, any false evidence or representation, knowing the same to be false, shall be deemed guilty of a misdemeanor.

Penalty for forgery and false representations in support of such applications.

Provisions, Health and Accommodation.

Provisions, Health and Accommodation.

221. Any three or more of the crew of any British ship may complain to any officer in command of any of her Majesty's ships, or any British consular officer, or any shipping master, or any chief officer of customs, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity; and such officer may thereupon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall in every such case incur a penalty not exceeding twenty pounds; and upon every such examination as aforesaid the officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Board of Trade, and such report, if produced out of the custody of such Board or its officers, shall be received in evidence in any legal proceeding.

Survey of provisions and water on complaint made.

222. If the officer to whom any such complaint as last aforesaid is made certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Forfeiture for frivolous complaint.

223. In the following cases, (that is to say,)

- (1.) If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punish-

Allowance for short or bad provisions.

ment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore);

- (2.) If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use;

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages; (that is to say,)

- (1.) If his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum not exceeding fourpence a day;
- (2.) If his allowance is reduced by more than one third of such quantity, eightpence a day;
- (3.) In respect of such bad quality as aforesaid, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the Court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the Court shall take such circumstances into consideration and shall modify or refuse compensation as the justice of the case may require (o).

[Sect. 224 was repealed by the " Merchant Shipping Act, 1867," s. 3] (p).

Masters to keep weights and measures on board.

225. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding ten pounds.

Board of Trade and Local Boards may appoint inspectors of medicines, who are to see that ships are properly provided.

226. Any local marine board may, upon being required by the Board of Trade so to do, appoint and remove a medical inspector of ships for the port, and may fix his remuneration, such remuneration to be subject to the control of the Board of Trade; and at ports where there are no local marine boards the Board of Trade may appoint and remove such inspectors, and fix their remuneration; and it shall be the duty of such inspectors to inspect the medicines, medical stores, lime or lemon juice or other articles, sugar and vinegar, required to be kept on board any such ships as aforesaid; and such inspection, if made at places where there are local marine boards, shall be made under their direction, and also in any special cases under the direction of the Board of Trade, and if made at places where there are no local marine boards, shall be made under the direction of the Board of Trade; and such medical inspectors shall for the purposes of such inspection have the same powers as the inspectors appointed by the Board of Trade under the first part of this act (q); but every such inspector, if required by timely notice in writing from the master, owner or consignee, shall make his inspection three days at least before the ship proceeds to sea, and if the result of the inspection is satisfactory shall not again make inspection before the commencement of the voyage, unless he has reason to suspect that some of the articles inspected have been subsequently removed, injured or destroyed; and whenever any such medical inspector is of opinion that in any ship hereby required to carry such articles as aforesaid the same or any of them are deficient in quantity or quality, or are placed in improper vessels, he shall signify the same in writing to the chief officer of customs of the port where such ship is lying, and also to the

(o) See *The Josephine*, Swa. 152.

force respecting medical stores.

(p) The 4th section of the M. S. Act, 1867, contains the rules now in

(q) See *supra*, ss. 14 and 15.

master, owner or consignee thereof, and thereupon the master of such ship, before proceeding to sea, shall produce to such chief officer of customs a certificate under the hand of such medical inspector or of some other medical inspector, to the effect that such deficiency has been supplied or remedied, or that such improper vessels have been replaced by proper vessels, as the case may require; and such chief officer of customs shall not grant a clearance for such ship without the production of such certificate, and if such ship attempts to go to sea without a clearance, may detain her until such certificate is produced; and if such ship proceeds to sea without the production of such certificate, the owner, master or consignee thereof shall incur a penalty not exceeding twenty pounds.

[Section 227 was repealed by the "Merchant Shipping Act, 1867," s. 3] (r).

228. The following rules shall be observed with respect to expenses attendant on illness and death; (that is to say,)

- (1.) If the master or any seaman or apprentice receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured, or dies, or is brought back to some port in the United Kingdom, if shipped in the United Kingdom, or if shipped in some British possession to some port in such possession, and of his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship without any deduction on that account from the wages of such master, seaman or apprentice:
- (2.) If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal and of providing the necessary advice with attendance and medicines and of his subsistence whilst away from the ship, shall be defrayed in like manner:
- (3.) The expense of all medicines and surgical or medical advice and attendance given to any master, seaman or apprentice whilst on board his ship shall be defrayed in like manner:
- (4.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such seaman or apprentice (s).

Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.

229. If any such expenses in respect of the illness, injury or hurt of any seaman or apprentice, as are to be borne by the owner, are paid by any consular officer or other person on behalf of her Majesty, or if any other expenses in respect of the illness, injury or hurt of any seaman or apprentice whose wages are not accounted for to such officer under the provisions hereinbefore contained in that behalf are so paid, such expenses shall be repaid to such officer or other person by the master of the ship, and if not so repaid, the amount thereof, with costs, shall be a charge upon the ship, and be recoverable from the said master or from the owner of the ship for the time being as a debt due to her Majesty, and shall be recoverable either by ordinary process of law or in the manner in which seamen are hereby enabled to recover wages; and in any proceeding for the recovery thereof the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by such consular officer or other person as aforesaid.

Expenses, if paid by consul, to be recoverable from owner.

(r) See the M. S. Act, 1867, s. 5, for the enactment substituted for the repealed section.

(s) See the M. S. Act, 1867, ss. 7, 8 and 10.

Certain ships to carry medical practitioners.

230. Every foreign-going ship having one hundred persons or upwards on board shall carry on board as part of her complement some person duly authorized by law to practise as physician, surgeon or apothecary; and in default the owner shall for every voyage of any such ship made without such medical practitioner incur a penalty not exceeding one hundred pounds: Provided that nothing herein contained shall in anywise affect any provision contained in the "Passengers Act, 1852," concerning the carriage of medical practitioners by the class of ships therein named passenger ships, nor shall any such passenger ship, if not thereby required to carry a medical practitioner, be hereby required to do so (t).

[Section 231 was repealed by the "Merchant Shipping Act, 1867," s. 3] (u).

Power of making Complaint.

Seamen to be allowed to go ashore to make complaint to a justice.

Power of making Complaint.

232. If any seaman or apprentice whilst on board any ship states to the master that he desires to make complaint to a justice of the peace, or consular officer, or naval officer in command of any of her Majesty's ships, against the master or any of the crew, the said master shall, if the ship is then at a place where there is a justice or any such officer as aforesaid, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore in proper custody so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding ten pounds.

Protection of Seamen from Imposition.

Sale of and charge upon wages to be invalid.

Protection of Seamen from Imposition.

233. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any Court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance or arrestment thereon; and no assignment or sale of such wages or of salvage made prior to the accruing thereof shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

No debt exceeding 5s. recoverable till end of voyage.

234. No debt exceeding in amount five shillings, incurred by any seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

Penalty for overcharges by lodging-house keepers.

235. If any person demands or receives from any seaman or apprentice to the sea service payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding ten pounds.

Penalty for detaining seamen's effects.

236. If any person receives or takes into his possession or under his control any monies, documents or effects of any seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by such seaman or apprentice, subject to such deduction as may be justly due to him from such seaman or apprentice in respect to board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding ten pounds, and any two justices may, besides inflicting such penalty, by summary order direct the amount or value of such monies, documents or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

(t) See the Passengers Act, 1855 (18 & 19 Vict. c. 119), ss. 41 and 42.

(u) See the M. S. Act, 1867, s. 9, for the

enactment substituted for the repealed section. See also the Colonial Shipping Act, 1868 (31 & 32 Vict. c. 129), s. 3.

237. Every person who, not being in her Majesty's service, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination, before her actual arrival in dock (v) or at the place of her discharge, without the permission of the master, shall for every such offence incur a penalty not exceeding twenty pounds; and the master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any constable or peace officer to be by him taken before a justice or justices or the sheriff of the county in Scotland, and to be dealt with according to the provisions of this act.

Persons not to go on board before the final arrival of ship without permission.

238. If within twenty-four hours after the arrival of any ship at any port in the United Kingdom, any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall for every such offence incur a penalty not exceeding five pounds.

Penalty for solicitations by lodging-house keepers.

Discipline.

Discipline.

239. Any master of or any seaman or apprentice belonging to any British ship (x) who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be deemed guilty of a misdemeanor.

Misconduct endangering ship or life or limb a misdemeanor.

240. Any Court having Admiralty jurisdiction in any of her Majesty's dominions may, upon application by the owner of any ship being within the jurisdiction of such Court, or by the part owner or consignee, or by the agent of the owner, or by any certificated mate, or by one-third or more of the crew of such ship, and upon proof on oath to the satisfaction of such Court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the Court, then without such consent, appoint a new master in his stead; and may also make such order, and may require such security in respect of costs in the matter, as it thinks fit (y).

Power of Admiralty Courts to remove master.

241. If the Board of Trade or any local marine board has reason to believe that any master or mate is from incompetency or misconduct unfit to discharge his duties, the Board of Trade may either institute an investigation or may direct the local marine board at or nearest to the place at which it may be convenient for the parties and witnesses to attend to institute the same, and thereupon such persons as the Board of Trade may appoint for the purpose, or, as the case may be, the local marine board, shall, with the assistance of a local stipendiary magistrate (if any), and if there is no such magistrate of a competent legal assistant to be appointed by the Board of Trade, conduct the investigation, and may summon the master or mate to appear, and shall give him full opportunity of making a defence either in person or otherwise, and shall for the purpose of such investigation have all the powers given by the first part of this act to inspectors appointed by the Board of Trade (z), and may make such order

Power to investigate cases of alleged incompetency and misconduct.

(v) See *Atwood v. Cave*, L. R., 1 Q. B. D. 134.

(z) See *Leary v. Lloyd*, 3 E. & E. 178.

(y) See *The Royalist*, Br. & L. 46; and see *post*, s. 263.

(z) See *supra*, s. 15.

with respect to the costs of such investigation as they may deem just; and shall on the conclusion of the investigation make a report upon the case to the Board of Trade; and in cases where there is no local marine board before which the parties and witnesses can conveniently attend, or where such local marine board is unwilling to institute the investigation, the Board of Trade may direct the same to be instituted before two justices or a stipendiary magistrate; and thereupon such investigation shall be conducted, and the results thereof reported, in the same manner and with the same powers in and with which formal investigations into wrecks and casualties are directed to be conducted, and the results thereof reported, under the provisions contained in the eighth part of this act, save only that, if the Board of Trade so directs, the person bringing the charge of incompetency or misconduct to the notice of the Board of Trade shall be deemed to be the party having the conduct of the case (a).

Board of Trade may cancel or suspend certificates in certain cases.

242. The Board of Trade may suspend or cancel the certificate (whether of competency or service) of any master or mate in the following cases; (that is to say,)

- (1.) If upon any investigation made in pursuance of the last preceding section, he is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness or tyranny;
- (2.) If upon any investigation conducted under the provisions contained in the eighth part of this act, or upon any investigation made by a naval Court constituted as hereinafter mentioned, it is reported that the loss or abandonment of or serious damage to any ship or loss of life has been caused by his wrongful act or default;
- (3.) If he is superseded by the order of any Admiralty Court or of any naval Court constituted as hereinafter mentioned;
- (4.) If he is shown to have been convicted of any offence;
- (5.) If upon any investigation made by any Court or tribunal authorized or hereafter to be authorized by the legislative authority in any British possession to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such Court or tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness or tyranny, or that the loss or abandonment of or serious damage to any ship or loss of life has been caused by his wrongful act or default, and such report is confirmed by the governor or person administering the government of such possession;

And every master or mate whose certificate is cancelled or suspended shall deliver it to the Board of Trade or as it directs, and in default shall for each offence incur a penalty not exceeding fifty pounds; and the Board of Trade may at any subsequent time grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade (b).

Offences of seamen and apprentices, and their punishments.
Desertion;

243. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offences, he shall be liable to be punished summarily as follows; (that is to say,)

- (1.) For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed

(a) See *Reg. v. Tomlinson*, L. R., 1 C. C. R. 49; see also the M. S. Act, 1862, s. 11.

(b) See the M. S. Act, 1862, ss. 23 and 24, as to the rules to be observed with respect to the cancellation and

suspension of certificates. As to the powers conferred on wreck commissioners, see M. S. Act, 1876, s. 29; *Ex parte Story*, 3 Q. B. D. 166; *Ex parte Ferguson*, L. R., 6 Q. B. 280.

until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

- (2.) For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Neglecting or refusing to join, or to proceed to sea, absence within twenty-four hours before sailing, and absence without leave;
- (3.) For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay (c):

Quitting without leave before ship is secured;
- (4.) For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay:

Act of disobedience;
- (5.) For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute:

Continued disobedience;
- (6.) For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Assault on officers;
- (7.) For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Combining to disobey;
- (8.) For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour:

Wilful damage and embezzlement;
- (9.) For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy (d).

Act of smuggling causing loss to owner.

244. Upon the commission of any of the offences enumerated in the last preceding section an entry thereof shall be made in the official log book, and shall be signed by the master and also by the mate or one of the crew; and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port,

Entry of offences to be made in official log, and to be read over or a copy given to

(c) As to the amount of forfeiture where seaman contracts for wages by the voyage, see *post*, s. 252. (d) See the M. S. Act, 1871, ss. 7, 8 and 9.

the offender, and his reply, if any, to be also entered.

before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him; and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.

245. Every seafaring person whom the master of any ship is, under the authority of this act or of any other act of Parliament, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement.

Master or owner may apprehend deserters without warrant.

246. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband or consignee, may, in any place in her Majesty's dominions, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, and also at any place out of her Majesty's dominions, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such Court, detain him in custody, for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such Court at or near the place, at once convey him on board; and if any such apprehension appears to the Court before which the case is brought to have been made on improper or insufficient grounds, the master, mate, owner, ship's husband or consignee who makes the same or causes the same to be made shall incur a penalty not exceeding twenty pounds; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

247. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or having deserted or otherwise absented himself therefrom without leave, such Court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Seamen imprisoned for desertion or breach of discipline may be sent on board before termin-

248. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any

justice may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

ation of sentence.

249. In all cases of desertion from any ship in any place abroad the master shall produce the entry of such desertion in the official log book to the person or persons hereby required to indorse on the agreement a certificate of such desertion; and such person or persons shall thereupon make and certify a copy of such entry, and also a copy of the said certificate of desertion; and if such person is a public functionary he shall, and in other cases the said master shall, forthwith transmit such copies to the registrar-general of seamen in England(e); and the said registrar shall, if required, cause the same to be produced in any legal proceeding; and such copies, if purporting to be so made and certified as aforesaid, and certified to have come from the custody of the said registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

Entries and certificates of desertions abroad to be copied, sent home, and admitted in evidence.

250. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log book; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Court that he had sufficient reasons for leaving his ship.

Facilities for proving desertion, so far as concerns forfeiture of wages.

251. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the Court hearing the case may direct a part of the wages due to such seaman, not exceeding three pounds, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Costs of procuring imprisonment may to the extent of 3*l*. be deducted from wages.

252. Whenever any seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this act shall be taken to be an amount bearing the same proportion to the whole wages or share as a calendar month or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

253. All clothes, effects, wages and emoluments which under the provisions hereinbefore contained are forfeited for desertion shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages the Court

Application of forfeitures.

(e) Registrar General of Shipping and Seamen, M. S. Act, 1872, s. 4.

may order the same to be paid accordingly; and subject to such reimbursement the same shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and in all other cases of forfeiture of wages under the provisions hereinbefore contained the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Questions of forfeitures may be decided in suits for wages.

254. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Penalty for false statement as to last ship or name.

255. If any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding five pounds; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this act.

Fines to be deducted from wages, and paid to shipping master.

256. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made, in the manner and subject to the conditions hereinbefore specified with respect to the offences against discipline specified in and punishable under this act; and such fine shall be deducted and paid over as follows; (that is to say), if the offender is discharged in the United Kingdom, and the offence and such entries in respect thereof as aforesaid are proved, in the case of a foreign-going ship to the satisfaction of the shipping master before whom the offender is discharged, and in the case of a home trade ship to the satisfaction of the shipping master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such shipping master; and if before the final discharge of the crew in the United Kingdom any such offender as aforesaid enters into any of her Majesty's ships, or is discharged abroad, and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log book (if any), and signed by such officer or other person; and on the return of the ship to the United Kingdom the master or owner shall pay over such fine, in the case of foreign-going ships, to the shipping master before whom the crew is discharged, and in the case of home trade ships to the shipping master at or nearest to the place at which the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him: provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this act.

Penalty for enticing to de-

257. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to

proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall for each such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds; and every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted incur a penalty not exceeding twenty pounds.

sert, and harbouring deserters.

258. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding twenty pounds, or be liable to imprisonment with or without hard labour for any period not exceeding four weeks (f).

Penalty for obtaining passage surreptitiously.

259. If during the progress of a voyage the master is superseded or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding one hundred pounds; and such successor shall immediately on assuming the command of the ship enter in the official log a list of the documents so delivered to him.

On change of masters, documents hereby required to be handed over to successor.

Naval Courts on the High Seas and Abroad.

Naval Courts.

260. Any officer in command of any ship of her Majesty on any foreign station, or, in the absence of such officer, any consular officer, may summon a Court, to be termed a "Naval Court," in the following cases; (that is to say,)

Naval Courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad.

- (1.) Whenever a complaint which appears to such officer to require immediate investigation is made to him by the master of any British ship, or by any certificated mate, or by one or more of the seamen belonging to any such ship;
- (2.) Whenever the interest of the owner of any British ship or of the cargo of any such ship appears to such officer to require it;
- (3.) Whenever any British ship is wrecked or abandoned or otherwise lost at or near the place where such officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned or lost abroad, arrives at such place.

261. Every such Naval Court as aforesaid shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of her Majesty not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the naval service of her Majesty, masters of British merchant ships or British merchants; and such Court may include the naval or consular officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against may belong; and the naval or consular officer in such Court, if there is only one such officer in the Court, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of the Court.

Constitution of such Courts.

262. Every such Naval Court shall hear and investigate the complaint brought before it (g), or the cause of the wreck or abandonment, (as the case may be,) and may for that purpose summon and compel the attendance of parties and witnesses, and administer oaths, and order the production of

General functions and mode of action of such Courts.

(f) See the Passengers Act, 1855 (18 & 19 Vict. c. 119), s. 18.

(g) See the M. S. Act, 1871, s. 8, and the M. S. Act, 1855, s. 18.

documents, and shall conduct the investigation in such manner as to give any person against whom any charge is made an opportunity of making a defence.

Powers of such Courts;
To supersede the master;

263. Every such Naval Court may, after hearing the case, exercise the following powers; (that is to say,)

(1.) It may, if unanimous that the safety of the ship or crew, or the interest of the owner, absolutely requires it, supersede the master, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship, if then at the place:

To discharge a seaman;
To forfeit wages;

(2.) It may discharge any seaman from his ship:

(3.) It may order the wages of any seaman so discharged or any part of such wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the receipt of her Majesty's Exchequer in the same manner as other penalties and forfeitures under this act:

To decide disputes as to wages, &c.;

(4.) It may decide any questions as to wages, or fines, or forfeitures, arising between any of the parties to the proceedings:

To direct costs of imprisonment to be paid out of wages;

(5.) It may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of such seaman or apprentice, whether then or subsequently earned:

To send home offenders for trial;

(6.) It may exercise the same powers with regard to persons charged before it with the commission of offences at sea or abroad as are by this act given to British consular officers:

To order payment of costs, &c.

(7.) It may order the costs of the proceeding before it (if any), or any portion thereof, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any cost or compensation so ordered shall be paid by such person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from his wages:

And all orders duly made by any such Court under the powers hereby given to it shall in any subsequent legal proceedings be deemed conclusive as to the rights of the parties.

Orders to be entered in official log.

264. All orders made by any such Naval Court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before it belong, and shall be signed by the president of the Court.

Report to be made of proceedings of Naval Courts.

265. Every such Naval Court shall make a report to the Board of Trade, containing the following particulars; (that is to say,)

(1.) A statement of the proceedings, with the order made by the Court, and a report of the evidence:

(2.) An account of the wages of any seaman or apprentice who is discharged from his ship by such Court:

(3.) If summoned in order to inquire into a case of wreck or abandonment, a statement of the opinion of the Court as to the cause of such wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require:

And every such report shall be signed by the president of the Court; and every document purporting to be such a report and to be so signed as aforesaid shall, if produced out of the custody of some officer of the Board of Trade, be deemed to be such report, unless the contrary is proved, and shall be received in evidence, subject to all just exceptions.

266. Any person who wilfully and without due cause prevents or obstructs the making of any such complaint as last aforesaid, or the conduct of any case or investigation by any Naval Court, shall for each such offence incur a penalty not exceeding fifty pounds, or be liable to imprisonment with or without hard labour for any period not exceeding twelve weeks.

Penalty for preventing complaint or obstructing investigation.

Crimes committed on the High Seas and Abroad.

Crimes committed Abroad.

267. All offences against property or person committed in or at any place either ashore or afloat out of her Majesty's dominions by any master, seaman or apprentice who at the time when the offence is committed is or within three months previously has been employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined and adjudged in the same manner and by the same Courts and in the same places as if such offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction.

268. The following rules shall be observed with respect to offences committed on the high seas or abroad; (that is to say.)

Conveyance of offenders and witnesses to United Kingdom or some British possession.

- (1.) Whenever any complaint is made to any British consular officer of any of the offences mentioned in the last preceding section, or of any offence on the high seas having been committed by any master, seaman or apprentice belonging to any British ship, such consular officer may inquire into the case upon oath, and may if the case so requires take any steps in his power, for the purpose of placing the offender under necessary restraint and of sending him as soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a Court capable of taking cognizance of the offence, in any ship belonging to her Majesty or to any of her subjects, to be there proceeded against according to law:
- (2.) For the purpose aforesaid such consular officer may order the master of any ship belonging to any subject of her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that such master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage; and such consular officer shall indorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade requires:
- (3.) Every such master shall on his ship's arrival in the United Kingdom, or in such British possession as aforesaid, give every offender so committed to his charge into the custody of some police officer or constable, who shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and such justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas:

And any such master as aforesaid who, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford such passage and subsistence to him, or who does not deliver any offender committed to his charge into the custody of some police officer or constable as hereinbefore directed, shall for each such offence incur a penalty not exceeding fifty pounds; and the expense of imprisoning any such offender and of conveying him

and the witnesses to the United Kingdom or to such British possession as aforesaid in any manner other than in the ship to which they respectively belong, shall be part of the costs of the prosecution, or be paid as costs incurred on account of seafaring subjects of her Majesty left in distress in foreign parts.

Inquiry into
cause of death
on board.

269. Whenever any case of death happens on board any foreign-going ship, the shipping master shall on the arrival of such ship at the port where the crew is discharged inquire into the cause of such death, and shall make on the list of the crew delivered to him as herein required an indorsement to the effect either that the statement of the cause of death therein contained is in his opinion true or otherwise, as the result of the inquiry requires; and every such shipping master shall for the purpose of such inquiry have the powers hereby given to inspectors appointed by the Board of Trade under the first part of this act; and if in the course of such inquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

Depositions to
be received in
evidence when
witness cannot
be produced.

270. Whenever in the course of any legal proceedings instituted in any part of her Majesty's dominions before any judge or magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter of such proceeding, then upon due proof, if such proceeding is instituted in the United Kingdom, that such witness cannot be found in that kingdom, or if in any British possession, that he cannot be found in the same possession, any deposition that such witness may have previously made on oath in relation to the same subject-matter before any justice or magistrate in her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence subject to the following restrictions; (that is to say,)

- (1.) If such deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom:
- (2.) If such a deposition was made in any British possession, it shall not be admissible in any proceeding instituted in the same British possession:
- (3.) If the proceeding is criminal it shall not be admissible unless it was made in the presence of the person accused:

Every deposition so made as aforesaid shall be authenticated by the signature of the judge, magistrate or consular officer, before whom the same is made; and such judge, magistrate or consular officer shall, when the same is taken in a criminal matter, certify, if the fact is so, and that the accused was present at the taking thereof, but it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any act of parliament, or by any act or ordinance of the legislature of any colony, so far as regards such colony, or to interfere with the power of any colonial legislature to make such depositions admissible in evidence, or to interfere with the practice of any Court in which depositions not authenticated as hereinbefore mentioned are admissible.

*Registration
and Returns
respecting Sea-
men.*

Establishment

Registration of and Returns respecting Seamen.

271. There shall be in the port of London an office, to be called the "General Register and Record Office of Seamen," and the Board of Trade

shall have control over the same, and may appoint and from time to time remove a registrar general (*h*), and such assistants, clerks and servants as may be necessary, and may from time to time, with the consent of the Treasury, regulate their salaries and allowances; and such salaries and allowances, and all other necessary expenses, shall be paid by the Treasury out of any monies to be granted by parliament for that purpose; and the Board of Trade may direct the business of the register office at any of the outports to be transacted at the shipping office, or, with the consent of the Commissioners of Customs, at the custom house of the port, and may appoint the shipping master, or, with such consent as aforesaid, some officer of customs, to conduct the same; and such business shall thereupon be conducted accordingly, but shall in all cases be subject to the immediate control of the Board of Trade.

of register office.

272. The said registrar general of seamen shall by means of the agreements, lists and other papers to be transmitted to him as herein directed, or by such other means as are in his power, keep a register of all persons who serve in ships subject to the provisions of this act.

Register of seamen to be kept.

273. Every master of every foreign-going ship of which the crew is discharged in the United Kingdom, in whatever part of her Majesty's dominions the same is registered, and of every home trade ship, shall make out and sign a list in a form sanctioned by the Board of Trade, containing the following particulars; (that is to say,)

Lists to be made for all ships, containing certain particulars.

- (1.) The number and date of the ship's register and her registered tonnage:
- (2.) The length and general nature of the voyage or employment:
- (3.) *The christian names, surnames, ages and places of birth of all the crew, including the master and apprentices; their qualities on board, their last ships or other employments, and the dates and places of their joining the ship:*
- (4.) *The names of any members of the crew who have died or otherwise ceased to belong to the ship, with the times, places, causes and circumstances thereof:*
- (5.) The names of any members of the crew who have been maimed or hurt, with the times, places, causes and circumstances thereof:
- (6.) The wages due to any of the crew who have died, at the times of their respective deaths:
- (7.) The clothes and other effects belonging to any of the crew who have died, with a statement of the manner in which they have been dealt with, and the money for which any of them have been sold:
- (8.) The name, age and sex of every person, not being one of the crew, who dies on board, with the date and the cause thereof:
- (9.) Every birth which happens on board, with the date thereof, the sex of the infant, and the names of the parents:
- (10.) Every marriage which takes place on board, with the date thereof, and the names and ages of the parties (*s*).

274. In the case of foreign-going ships, the master shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver to the shipping master before whom the crew is discharged such list as hereinbefore required, and if he fails so to do shall for every default incur a penalty not exceeding five pounds; and such shipping master shall thereupon give to the master a certificate of such delivery; and no officer of customs shall clear inwards any foreign-going ship with-

Lists for foreign-going ships to be delivered to shipping master on arrival.

(*h*) The Registrar General of Shipping and Seamen. See M. S. Act, 1872, s. 4.

(*i*) Section 273, so far as it relates to the entry of any birth or death,

has been repealed by the 54th section of the Births and Deaths Registration Act, 1874 (37 & 38 Vict. c. 88).

out the production of such certificate, and any such officer may detain any such ship until the same is produced.

Lists to be delivered by home trade ships half-yearly.

275. The master or owner of every home trade ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping master in the United Kingdom such list as hereinbefore required for the preceding half year, and shall in default incur a penalty not exceeding five pounds; and such shipping master shall give to the master or owner a certificate of such transmission or delivery; and no officer of customs shall grant a clearance or transire for any home trade ship without the production of such certificate, and any such officer may detain any such ship until the same is produced.

Lists to be sent home in case of transfer of ship and in case of loss.

276. If any ship ceases by reason of transfer of ownership or change of employment to fall within the definition of a foreign-going or of a home trade ship, the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere, within six months, deliver or transmit to the shipping master at the port to which the ship has belonged such list as hereinbefore mentioned, duly made out to the time at which she ceased to be a foreign-going or home trade ship, and in default shall for each offence incur a penalty not exceeding ten pounds; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged such list as hereinbefore mentioned duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding ten pounds.

Shipping masters and other officers to transmit documents to registrar.

Registrar to permit inspection, to produce originals, and give copies.

277. All shipping masters and officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where such documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of such purposes, and shall then transmit them to the registrar general of seamen, to be by him recorded and preserved; and the said registrar shall, on payment of a moderate fee to be fixed by the Board of Trade, or without payment of any fee if the Board of Trade so directs, allow any person to inspect the same; and in cases in which the production of the original of any such document in any Court of justice or elsewhere is essential, shall produce the same, and in other cases shall make and deliver to any person requiring it a certified copy of any such document or of any part thereof; and every copy purporting to be so made and certified shall be received in evidence, and shall have all the effect of the original of which it purports to be a copy.

Officers of customs to make returns of ships to registrar.

278. The collector or comptroller of customs at every port in the United Kingdom shall on or before the first day of February and the first day of August in every year transmit to the registrar general of seamen a list of all ships registered in such port, and also of all ships whose registers have been transferred or cancelled in such port since the last preceding return.

Agreements, indentures and assignments, on arrival at a foreign port to be deposited with the con-

279. The following rules shall be observed with respect to the delivery of documents to British consular officers; (that is to say,)

- (1.) Whenever any ship, in whatever part of her Majesty's dominions the same is registered, (except ships whose business for the time being is to carry passengers,) arrives at any foreign port where there is a British consular officer, or at any port in any British

possession abroad, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to such consular officer, or to the chief officer of customs, (as the case may be,) the agreement with the crew, and also all indentures and assignments of apprenticeships, or, in the case of a ship belonging to a British possession, such of the said documents as such ship is provided with:

sul, and at a colony with the officers of customs.

- (2.) Such officer shall keep such documents during the ship's stay in such port, and, in cases where any indorsements upon the agreement are hereby required, shall duly make the same, and shall return the said documents to the master a reasonable time before his departure, with a certificate indorsed on the agreement, stating when the same were respectively delivered and returned:
- (3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, such officer shall make an indorsement to that effect on the agreement, and forthwith transmit a copy of such indorsement, with the fullest information he can collect regarding such neglect or transgression, to the registrar general of seamen:

And if any master fails to deliver any such document as aforesaid he shall for every such default incur a penalty not exceeding twenty pounds; and in any prosecution for such penalty it shall lie upon the master either to produce the certificate of the consular officer or officer of customs hereinbefore required, or to prove that he duly obtained the same, or that it was impracticable for him so to do.

Official Logs.

280. The Board of Trade shall sanction forms of official log books, which may be different for different classes of ships, so that each such form contains blanks for the entries hereinafter required, and an official log of every ship (except ships employed exclusively in trading between ports on the coasts of the United Kingdom) shall be kept in the appropriate sanctioned form; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

Official Logs.

Official logs to be kept in forms sanctioned by Board of Trade.

281. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

Entries to be made in due time.

282. Every master of a ship for which an official log book is hereby required shall make or cause to be made therein entries of the following matters: (that is to say,)

Entries required in official log.

- (1.) Every legal conviction of any member of his crew, and the punishment inflicted:
- (2.) Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as hereinbefore required:
- (3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:
- (4.) A statement of the conduct, character and qualifications of each of

Convictions.

Offences.

Punishments.

Conduct, &c. of crew.

- his crew, or a statement that he declines to give an opinion on such particulars:
- | | |
|---------------------------------|---|
| Illnesses and injuries. | (5.) Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any): |
| Deaths. | (6.) <i>Every case of death happening on board, and of the cause thereof:</i> |
| Births. | (7.) <i>Every birth happening on board, with the sex of the infant and the names of the parents:</i> |
| Marriages. | (8.) Every marriage taking place on board, with the names and ages of the parties: |
| Quitting ship. | (9.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof: |
| Wages of men entering navy. | (10.) The amount of wages due to any seaman who enters her Majesty's service during the voyage: |
| Wages of deceased seamen. | (11.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom: |
| Sale of deceased men's effects. | (12.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it: |
| Collisions. | (13.) Every collision with any other ship, and the circumstances under which the same occurred (r). |

Entries how to be signed. 283. The entries hereby required to be made in official log books shall be signed as follows; (that is to say,) every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters her Majesty's service shall be signed by the master, and by the seaman or by the officer authorized to receive the seaman into such service.

Penalties in respect of official logs. 284. The following offences in respect of official log books shall be punishable as hereinafter mentioned; (that is to say,)

- (1.) If in any case an official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding five pounds:
- (2.) Every person who makes or procures to be made or assists in making any entry in any official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding thirty pounds:
- (3.) Every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log book, shall for each such offence be deemed guilty of a misdemeanor.

Entries in official logs to 285. All entries made in any official log book as hereinbefore directed

(r) This section, so far as it relates to the entry of any birth or death, has been repealed by the 64th section of the Births and Deaths Registration Act, 1874 (37 & 38 Vict. c. 88).

shall be received in evidence in any proceeding in any Court of justice, subject to all just exceptions.

be received in evidence.

286. In the case of foreign-going ships the master shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver to the shipping master before whom the crew is discharged the official log book of the voyage; and the master or owner of every home trade ship, not exclusively employed in trading between ports on the coasts in the United Kingdom, shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year transmit or deliver to some shipping master in the United Kingdom the official log book for the preceding half-year; and every master or owner who refuses or neglects to deliver his official log book as hereby required shall be subject to the same consequences and liabilities to which he is hereby made subject for the non-delivery of the list of his crew hereinbefore mentioned.

Official logs to be delivered to shipping master.

287. If any ship ceases by reason of transfer of ownership or change of employment to fall within the definition of a foreign-going or of a home trade ship, the master or owner thereof shall if such ship is then in the United Kingdom, within one month, and if she is elsewhere, within six months, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time at which she ceased to be a foreign-going or home trade ship, and in default shall for each offence incur a penalty not exceeding ten pounds; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding ten pounds.

Official logs to be sent home in case of transfer of ship, and in case of loss.

East Indies and Colonies.

East Indies and Colonies.

288. If the governor general of India in council, or the respective legislative authorities in any British possession abroad, by any acts, ordinances or other appropriate legal means, apply or adapt any of the provisions in the third part of this act contained to any British ships registered at, trading with, or being at any place within their respective jurisdictions, and to the owners, masters, mates and crews thereof, such provisions, when so applied and adapted as aforesaid, and as long as they remain in force, shall in respect of the ships and persons to which the same are applied be enforced, and penalties and punishments for the breach thereof shall be recovered and inflicted, throughout her Majesty's dominions, in the same manner as if such provisions had been hereby so adopted and applied, and such penalties and punishments had been hereby expressly imposed.

Provisions of act, as applied by East Indian and Colonial Governments to their own ships, may be enforced throughout the empire.

289. Every act, ordinance, or other form of law to be passed or promulgated by the governor general of India in council, or by any other legislative authority, in pursuance of this act, shall respectively be subject to the same right of disallowance or repeal, and require the same sanction or other acts and formalities, and be subject to the same conditions in all respects, as exist and are required in order to the validity of any other act, ordinance or other form of law passed by such governor general in council or other legislative authority respectively.

East Indian and Colonial acts to be subject to disallowance, and require sanction as in other cases.

290. If in any matter relating to any ship or to any person belonging to any ship there appears to be a conflict of laws, then, if there is in the third part of this act any provision on the subject which is hereby expressly

Conflict of laws.

made to extend to such ship, the case shall be governed by such provision, and if there is no such provision the case shall be governed by the law of the place in which such ship is registered.

PART IV.

SAFETY AND PREVENTION OF ACCIDENTS.

Application.

Application of
Part IV. of
Act.

291. The fourth part of this act shall apply to all British ships; and all foreign steam ships carrying passengers between places in the United Kingdom shall be subject to all the provisions contained in the fourth part of this act, and likewise to the same provisions with respect to the certificates of the masters and mates thereof, to which British steam ships are subject.

Application.

Boats for Sea-going Ships.

Rules as to
boats and life
buoys.

Boats for Sea-going Ships.

292. The following rules shall be observed with respect to boats and life buoys; (that is to say,)

- (1.) No decked ship (except ships used solely as steam tugs and ships engaged in the whale fishery) shall proceed to sea from any place in the United Kingdom, unless she is provided, according to her tonnage, with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than the boats the number and cubic contents of which are specified in the table marked S. in the schedule hereto for the class to which such ship belongs:
- (2.) No ship carrying more than ten passengers shall proceed to sea from any place in the United Kingdom, unless, in addition to the boats hereinbefore required, she is also provided with a life boat furnished with all requisites for use, or unless one of her boats hereinbefore required is rendered buoyant after the manner of a life boat:
- (3.) No such ship as last aforesaid shall proceed to sea unless she is also provided with two life buoys:

And such boats and life buoys shall be kept so as to be at all times fit and ready for use: provided, that the enactments with respect to boats and life buoys herein contained shall not apply in any case in which a certificate has been duly obtained under the tenth section of the "Passengers Act, 1852" (†).

15 & 16 Vict.
c. 44, s. 10.
Penalties on
masters and
owners, &c.
neglecting to
provide boats
and life buoys.

293. In any of the following cases, (that is to say,)

- (1.) If any ship hereinbefore required to be provided with boats or life buoys proceeds to sea without being so provided therewith, or if any of such boats or life buoys are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master; or,
- (2.) If, in case of any of such boats or life buoys being accidentally lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity; or,
- (3.) If such boats and life buoys are not kept so as to be at all times fit and ready for use:

Then if the owner appears to be in fault he shall incur a penalty not exceeding one hundred pounds, and if the master appears to be in fault he shall incur a penalty not exceeding fifty pounds (†).

(†) See section 15 of the M. S. Act, 1873.

294. No officer of customs shall grant a clearance or transire for any ship hereinbefore required to be provided with boats or with life buoys unless the same is duly so provided; and if any such ship attempts to go to sea without such clearance or transire any such officer may detain her until she is so provided.

Officers of customs not to clear ships not complying with the above provisions.

Lights and Fog Signals, and Meeting and Passing.

295. The following rules shall be observed with regard to lights and fog signals; (that is to say,)

Rules as to Lights, Meeting and Passing.

- (1.) The Admiralty shall from time to time make regulations requiring the exhibition of such lights, by such classes of ships, whether steam or sailing ships, within such places and under such circumstances as they think fit, and may from time to time revoke, alter, or vary the same:
- (2.) The Admiralty may, if they think fit, make regulations requiring the use of such fog signals, by such classes of ships, whether steam or sailing ships, within such places and under such circumstances as they think fit, and may from time to time revoke, alter, or vary the same:
- (3.) All regulations made in pursuance of this section shall be published in the London Gazette, and shall come into operation on a day to be named in the Gazette in which they are published, and the Admiralty shall cause all such regulations to be printed, and shall furnish a copy thereof to the owner or master of a ship who applies for the same, and production of the Gazette containing such regulations shall be sufficient evidence of the due making and purport thereof:
- (4.) All owners and masters shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such lights, and use such fog signals, at such times, within such places, in such manner and under such circumstances as are enjoined by such regulations, and shall not exhibit any other lights or use any other fog signals; and in case of default the master, or the owner of the ship, if it appears that he was in fault, shall for each occasion upon which such regulations are infringed incur a penalty not exceeding twenty pounds (u).

Regulations as to lights and fog signals.

296. Whenever any ship, whether a steam or sailing ship, proceeding in one direction, meets another ship, whether a steam or sailing ship, proceeding in another direction, so that if both ships were to continue their respective courses they would pass so near as to involve any risk of a collision, the helms of both ships shall be put to port so as to pass on the port side of each other; and this rule shall be obeyed by all steam ships and by all sailing ships whether on the port or starboard tack, and whether close-hauled or not, unless the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject also to the proviso that due regard shall be had to the dangers of navigation, and, as regards sailing ships on the starboard tack close-hauled, to the keeping such ships under command (u).

Rule as to ships meeting each other.

297. Every steam ship, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such steam-ship (v).

Rule for steamers in narrow channels.

298. If in any case of collision it appears to the Court before which the case is tried that such collision was occasioned by the non-observance of any rule for the exhibition of lights or the use of fog signals issued in pursuance of the powers hereinbefore contained, or of the foregoing rule as to the passing of steam and sailing ships, or of the foregoing rule as to a steam ship keeping to that side of a narrow channel which lies on the starboard side, the owner of the ship by which such rule has been infringed shall not be entitled to recover

If collision ensues from breach of the above rules, owner not to be entitled to recover.

(u) This section is repealed, M. S. Act, 1862, s. 2. See also the M. S. Act, 1862, ss. 25, 26 and 27.

(v) This section is repealed, M. S. Act, 1862, s. 2. See the Mersey Channels Act, 1874 (37 & 38 Vict. c. 62), s. 1.

any recompense whatever for any damage sustained by such ship in such collision, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the rule necessary (v).

Breaches of such rules to imply wilful default.

299. In case any damage to person or property arises from the non-observance by any ship of any of the said rules, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the rule necessary (w).

Build and Equipment of Steam Ships.

Iron steamers to be divided by water-tight partitions.

Build and Equipment of Steam Ships.

300. The following rules shall be observed with respect to the build of iron steam ships; (that is to say,)

- (1.) Every steam ship built of iron, of one hundred tons or upwards, the building of which commenced after the twenty-eighth day of August, one thousand eight hundred and forty-six, and every steam ship built of iron of less burden than one hundred tons, the building of which commenced after the seventh day of August, one thousand eight hundred and fifty-one (except ships used solely as steam tugs), shall be divided by substantial transverse water-tight partitions, so that the fore part of the ship shall be separated from the engine room by one of such partitions, and so that the after part of such ship shall be separated from the engine room by another of such partitions:
- (2.) Every steam ship built of iron, the building of which commences after the passing of this act, shall be divided by such partitions as aforesaid into not less than three equal parts, or as nearly so as circumstances permit:
- (3.) In such last-mentioned ships each such partition as aforesaid shall be of equal strength with the side plates of the ship with which it is in contact:
- (4.) Every screw steam ship built of iron, the building of which commences after the passing of this act, shall, in addition to the above partitions, be fitted with a small water-tight compartment inclosing the after-extremity of the shaft:

Officers of customs not to grant certificates except, &c.

And no officer of customs or other person shall grant a clearance or transire for any iron steam ship required to be divided or fitted as aforesaid, unless the same is so divided and fitted; and if any such ship attempts to ply or go to sea without such clearance or transire, any such officer may detain her until she is so divided and fitted; and if any steam ship hereinbefore required to be so divided or fitted plies or goes to sea without being so divided or fitted, the owner shall incur a penalty not exceeding one hundred pounds (v).

Equipment of steam ships.
Safety valve.

301. Steam ships shall be provided as follows; (that is say,)

- (1.) Every steam ship of which a survey is hereby required shall be provided with a safety valve upon each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if such valve is in addition to the ordinary valve, it shall be so constructed as to have an area not less and a pressure not greater than the area of and pressure on that valve:
- (2.) Every sea-going steam ship employed to carry passengers shall have her compasses properly adjusted from time to time; such adjustment, in the case of ships surveyed as hereinafter mentioned, to be made to the satisfaction of the shipwright surveyor, and according to such regulations as may be issued by the Board of Trade:
- (3.) Every sea-going steam ship (unless used solely as a steam tug) shall be provided with a hose adapted for the purpose of extinguishing

Compasses to be adjusted.

Fire hose.

(v) This section is repealed by the M. S. Act, 1862, s. 2; and see the M. S. Act, 1862, s. 2.
(w) This section is repealed by the M. S. Act, 1862, s. 28, and the M. S. Act, 1873, s. 17.

fire in any part of the ship, and capable of being connected with the engines of the ship :

- (4.) Every sea-going steam ship employed to carry passengers shall be provided with the following means of making signals of distress; (that is to say,) twelve blue lights or twelve port fires, and one cannon with ammunition for at least twelve charges, or, in the discretion of the master or owner of such ship, with such other means of making signals (if any) as may have previously been approved by the Board of Trade (x): Signals.

- (5.) Every home trade steam ship employed to carry passengers (y) by sea shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship and the circumstances of the case may require: Shelter for deck passengers.

And if any steam ship as aforesaid plies or goes to sea from any port in the United Kingdom without being so provided as hereinbefore required, then for each default in any of the above requisites the owner shall (if he appears to be in fault) incur a penalty not exceeding one hundred pounds, and the master shall (if he appears to be in fault) incur a penalty not exceeding fifty pounds.

302. If any person places an undue weight on the safety valve of any steam ship, or, in the case of steam ships surveyed as hereinafter mentioned, increases such weight beyond the limits fixed by such engineer surveyor as hereinafter mentioned, he shall, in addition to any other liabilities he may incur by so doing, incur a penalty not exceeding one hundred pounds. Penalty for improper weight on safety valve.

Survey of Passenger Steamers.

Survey of Passenger Steamers.

303. For the purpose of the enactments herein contained with respect to surveys and certificates of passenger steam ships, the word "passengers" shall be held to include any persons carried in a steam ship, other than the master and crew and the owner, his family and servants; and the expression "passenger steamer" shall be held to include every British steam ship carrying passengers to, from, or between any place or places in the United Kingdom, excepting steam ferry boats working in chains, commonly called steam bridges. Definition of passenger steamer.

304. Every passenger steamer shall be surveyed twice at the least in each year in manner hereinafter mentioned (z). Passenger steamers to be surveyed.

305. The Board of Trade may from time to time appoint such number of fit and proper persons to be shipwright surveyors and engineer surveyors for the purposes of this act at such ports or places as it thinks proper, and may also appoint a surveyor general for the United Kingdom, and may from time to time remove such surveyors or any of them, and may from time to time fix and alter the rates of remuneration to be received by such surveyors (a). Board of Trade to appoint surveyors, and fix their remuneration.

306. It shall be lawful for the said surveyors in the execution of their duties to go on board any steam ship at all reasonable times, and to inspect the same or any part thereof, or any of the machinery, boats, equipments Surveyors to have power to inspect.

(x) This subsection is repealed by the 45th section of the M. S. Act, 1876. See sect. 21 of that act for provisions now in force as to signals and life buoys.

of the M. S. Act, 1872, which provides that every passenger steamer shall be surveyed once at least in every year.

(y) Sect. 303.

(a) See the M. S. Act, 1872, s. 13; and the M. S. Act, 1876, s. 39.

(z) This section is repealed by sect. 8

or articles on board thereof, or any certificates of the master or mate to which the provisions of this act or any of the regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and, if in consequence of any accident to any such ship or for any other reason they consider it necessary so to do, to require the ship to be taken into dock for the purpose of surveying the hull thereof; and any person who hinders any such surveyor from going on board any such steamship, or otherwise impedes him in the execution of his duty under this act, shall incur a penalty not exceeding five pounds.

Board of Trade to regulate mode of making surveys.

307. The said surveyors shall execute their duties under the direction of the Board of Trade, and such Board shall make regulations as to the manner in which the surveys hereinafter mentioned shall be made, and as to the notice to be given to the surveyors when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by such surveyors in the execution of their duties, and may thereby determine the persons by whom and the conditions under which such payment shall be made.

Penalty on surveyors receiving fees unlawfully.

308. Every surveyor who demands or receives directly or indirectly from the owner or master of any ship surveyed by him under the provisions of this act any fee or remuneration whatsoever for or in respect of such survey, otherwise than as the officer and by the direction of the Board of Trade, shall incur a penalty not exceeding fifty pounds (b).

Owners to have surveys made by shipwright and engineer surveyors, and surveyors to give declarations.

309. The owner of every passenger steamer (c) shall cause the same to be surveyed at the times (d) hereinafter directed by one of the said shipwright surveyors and by one of the said engineer surveyors so appointed as aforesaid; such shipwright surveyor being, in the case of iron steamers, a person who is in the judgment of the Board of Trade properly qualified to survey such ships; and such surveyors shall thereupon, if satisfied that they can with propriety do so, give to such owner declarations as follows:

The declaration of the shipwright surveyor shall contain statements of the following particulars; (that is to say,)

- (1.) That the hull of the ship is sufficient for the service intended and in good condition:
- (2.) That the partitions, boats, life buoys, lights, signals, compasses and shelter for deck passengers, and the certificates of the master and mate or mates, are such and in such condition as required by this act:
- (3.) The time (if less than six months) for which the said hull and equipments will be sufficient:
- (4.) The limits (if any) beyond which, as regards the hull and equipments, the ship is in the surveyor's judgment not fit to ply:
- (5.) The number of passengers (e) which the ship is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins; such numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires:

And the declaration of the engineer surveyor shall contain statements of the following particulars; (that is to say,) (f)

- (1.) That the machinery of the ship is sufficient for the service intended, and in good condition:
- (2.) The time (if less than six months) for which such machinery will be sufficient:
- (3.) That the safety valves and fire hose are such and in such condition as are required by this act:

(b) See the M. S. Act, 1876, s. 39, and Sched. III.

(c) See sect. 303, and the M. S. Act, 1876, ss. 16—19.

(d) See the M. S. Act, 1872, s. 8.

(e) Sect. 303.

(f) See the M. S. Act, 1862, s. 12.

(4.) The limits of the weight to be placed on the safety valves :

(5.) The limits (if any) beyond which, as regards the machinery, the ship is in the surveyor's judgment not fit to ply :

And such declarations shall be in such form as the Board of Trade directs (g).

310. The said owner shall transmit such declarations to the Board of Trade within fourteen days after the dates of the receipt thereof respectively ; and in default shall forfeit a sum not exceeding ten shillings for every day that the sending of such declarations is delayed ; and such sum shall be paid upon the delivery of the certificate hereinafter mentioned in addition to the fee payable for the same, and shall be applied in the same manner as such fees.

Transmission of declarations to Board of Trade.

Penalty for delay.

311. In all cases where it is possible the said half-yearly surveys shall be made in the months of April and of October, and the declarations shall be transmitted on or before the thirtieth day of April and the thirty-first day of October respectively ; but if the owner of any passenger steamer is unable to have the same surveyed in the month of April or October, (as the case may be,) either by reason of such ship being absent from the United Kingdom during the whole of those periods respectively, or by reason of such ship or the machinery thereof being under construction or repair, or of such ship being laid up in dock, or for any other reason satisfactory to the Board of Trade, then he shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such declarations to the Board of Trade within fourteen days after the receipt thereof, together with a statement of the reasons which have prevented the survey of such ship at the time hereinbefore prescribed, and shall, in case of delay in transmitting the declarations, be liable to a forfeiture similar to that mentioned in the last preceding section (h).

Times appointed for surveys, and transmission of declarations.

312. Upon the receipt of such declarations the Board of Trade shall, if satisfied that the provisions of the fourth part of this act have been complied with, cause a certificate in duplicate to be prepared and issued to the effect that the provisions of the law with respect to the survey of the ship and the transmission of declarations in respect thereof have been complied with ; and such certificate shall state the limits (if any) beyond which, according to the declaration of the surveyors, such ship is not fit to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the shipwright surveyor, such ship is fit to carry, distinguishing (if necessary) between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins, such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the case requires.

Board of Trade to issue certificate.

313. The Board of Trade shall transmit such duplicate certificate to the shipping master or to some other public officer at such port as the owner may mention for the purpose or at the port where the owner or his agent resides or where the ship was surveyed and is for the time being lying, and shall cause notice of such transmission to be given by post or otherwise to the master or owner or his agent ; and the said shipping master or officer shall deliver such duplicate certificate to the said owner, master or agent on his applying and paying the fees and other sums (if any) herein mentioned as payable in that behalf ; and in proving the due issue and transmission to the owner, agent or master of such certificate, it shall be sufficient to show that the same has been duly received by such shipping master or public officer as aforesaid, and that due notice of the

Issue and transmission of certificates.

(g) See the M. S. Act, 1876, s. 14.

(h) See the M. S. Act, 1862, s. 34, and the M. S. Act, 1872, s. 8.

transmission thereof to such shipping master or officer has been given to such owner, master or agent.

Fees to be paid for certificates.

314. The owner of every passenger steamer requiring a certificate under the fourth part of this act shall pay for every certificate granted by the Board of Trade such fees as such Board directs, not exceeding the fees mentioned in the Table marked T. in the schedule hereto(i).

How long certificates to continue in force.

315. No certificate shall be held to be in force for the purposes of the fourth part of this act beyond the date fixed by the Board of Trade for the expiration thereof; and no certificate shall be in force after notice is given by the Board of Trade to the owner, agent, or master of the ship to which the same relates, that such Board has cancelled or revoked the same: Provided, that if any passenger steamer is absent from the United Kingdom at the time when her certificate expires, no penalty shall be incurred for the want of a certificate until she first begins to ply with passengers after her next subsequent return to the United Kingdom; and the Board of Trade may require any certificate which has expired, or has been revoked or cancelled, to be delivered up as it directs; and any owner or master who, without reasonable cause, neglects or refuses to comply with such requirement, shall incur a penalty not exceeding ten pounds.

Board of Trade may cancel certificates, and require fresh declarations.

316. The Board of Trade may revoke and cancel such certificates in any case in which it has reason to believe,—

- (1.) That the declarations of the sufficiency and good condition of the hull, equipments, and machinery of any passenger steamer, or either of them, have been fraudulently or erroneously made; or,
- (2.) That such certificate has otherwise been issued upon false or erroneous information; or,
- (3.) That since the making of such declarations the hull, equipments, or machinery of such ship have sustained any injury, or are otherwise insufficient:

And in every such case the Board of Trade may, if it thinks fit, require the owner to have the hull, equipments or machinery of such ship again surveyed, and to transmit a further declaration or declarations of the sufficiency and good condition thereof, before re-issuing any certificate or granting a fresh one in lieu thereof.

Copy of certificate to be placed in conspicuous part of ship.

317. The owner or master of every passenger steamer shall forthwith on the transmission of any certificate as aforesaid to him or his agent cause one of the duplicates thereof so transmitted to be put up in some conspicuous part of the ship, so as to be visible to all persons on board the same, and shall cause it to be continued so put up so long as such certificate remains in force and such ship is in use; and in default such owner or master shall for every offence incur a penalty not exceeding ten pounds.

Ship not to proceed on her voyage without certificate.

318. *It shall not be lawful for any passenger steamer(k) to proceed to sea or upon any voyage or excursion with any passengers on board, unless the owner thereof has transmitted to the Board of Trade the declarations hereinbefore required, nor unless the owner or master thereof has received from such Board such a certificate as hereinbefore provided for, such certificate being a certificate applicable to the voyage or excursion on which such ship is about to proceed; and no officer of customs shall grant any clearance or transire for any passenger steamer unless upon the production of such certificate as aforesaid (being a certificate then in force and applicable as aforesaid); and if any passenger steamer attempts to ply or go to sea*

(i) See the M. S. Act, 1872, s. 8, and the M. S. Act, 1876, s. 39.

(k) See the M. S. Act, 1876, s. 16.

without such production, any such officer may detain her until such certificate is produced; and if any passenger steamer plies or goes to sea with any passengers (*l*) on board, without having one of the duplicates of such certificate as aforesaid (being a certificate then in force, and applicable as aforesaid) so put up as aforesaid in some conspicuous part of the ship, the owner thereof shall for such offence incur a penalty not exceeding one hundred pounds, and the master of such ship shall also incur a further penalty not exceeding twenty pounds (*m*).

319. If the owner or master or other person in charge of any passenger steamer receives on board thereof or on or in any part thereof, or if such ship has on board thereof or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number of passengers allowed by the certificate, the owner or master shall incur a penalty not exceeding twenty pounds, and also an additional penalty not exceeding five shillings for every passenger over and above the number allowed by the certificate, or, if the fare of any of the passengers on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers who are over and above the number so allowed as aforesaid, such fares to be estimated at the highest rate of fare payable by any passenger on board.

Penalty for carrying passengers in excess of numbers specified in certificate.

320. Every person who knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent declaration or certificate with respect to any passenger steamer requiring a certificate under the fourth part of this act, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any declaration or certificate required by the fourth part of this act, or any words or figures in any such declaration or certificate, or any signature thereto, shall be deemed guilty of a misdemeanor.

Forgery of declaration or certificate a misdemeanor.

321. The said surveyors shall from time to time make such returns to the Board of Trade as it requires with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of the ships surveyed by them; and every owner, master and engineer of any such ship shall, on demand, give to such surveyors all such information and assistance within his power as they require for the purpose of such returns; and every such owner, master or engineer who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance, shall be liable to a penalty not exceeding five pounds.

Surveyors to make returns of the build and other particulars of steam ships, and owners and masters to give information for that purpose.

Misconduct by Passengers in Steamers.

Misconduct by Passengers in Steamers.

322. *The following offenders, (that is to say,)*

- (1.) *Any person who, after having been refused admission into any steamer by the owner or person in charge thereof or by any person in the employ of the owner thereof, on account of such steamer being full, and after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same; and*
- (2.) *Any person, having got on board any steamer, who, upon being requested on the like account by the owner or person in charge thereof or by any person in the employ of the owner to leave such steamer before the same has quitted the place at which such person got on board, and*

Penalties on persons forcing way on board; or

refusing to quit the ship.

(*l*) See the M. S. Act, 1876, s. 16.

(*m*) So much of this section as requires the owner of a ship to transmit

the declarations therein mentioned is repealed by the M. S. Act, 1876, s. 45.

upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request :
Shall for each such offence incur a penalty not exceeding forty shillings, to be paid to the said owner (n).

Penalty for avoiding payment of fares.

323. The following offenders, (that is to say,)

- (1.) Any person who travels or attempts to travel in any passenger steamer which has been duly surveyed in conformity with the provisions of this act, without having previously paid his fare, and with intent to avoid payment thereof; and
 - (2.) Any person who, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamer beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof; and
 - (3.) Any person who knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit any such steamer :
- Shall for every such offence incur a penalty not exceeding five shillings, in addition to the fare payable by him, such penalty to be payable to the owner of such steamer (n).

Penalty on persons refusing to give their name and address.

324. Every person who, having committed any of the offences mentioned in the two last preceding sections or either of them, refuses on application of the master of the ship or of any other person in the employ of the owner thereof to give his name and address, or who, on such application, gives a false name or address, shall incur a penalty not exceeding twenty pounds, to be paid to the said owner.

Power to refuse or remove passengers who are drunk or misconduct themselves.

325. The master of any home trade passenger steam ship may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance to other passengers on board, or if such person is on board, may put him on shore at any convenient place; and no person so refused admittance or put on shore shall be entitled to the return of any fare he may have paid.

Accidents.

Accidents to steam ships to be reported to Board of Trade.

Accidents.

326. Whenever any steam ship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, within twenty-four hours after the happening of such accident or damage, or as soon thereafter as possible, send to the Board of Trade, by letter signed by such owner or master, a report of such accident or damage, and of the probable occasion thereof, stating the name of the ship, the port to which she belongs, and the place where she is; and if such owner or master neglect so to do he shall for such offence incur a penalty not exceeding fifty pounds.

327. Provides that notice shall be given to Board of Trade by the owner if he has reason to believe that his ship has been lost (o).

Collisions to be entered in official log.

328. In every case of collision, in which it is practicable so to do, the master shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book (if any), such entry to be signed by the master, and

(n) This section is repealed by the M. S. Act, 1862, s. 2. See the M. S. Act, 1862, ss. 35, 36, 37.

(o) Section 327 is repealed by the

M. S. Act, 1873, s. 33; for the substituted enactment, see the M. S. Act, 1873, s. 22.

also by the mate or one of the crew, and in default shall incur a penalty not exceeding twenty pounds.

329. *Contains provisions to prevent the taking of dangerous goods on board ship without due notice (p).*

PART V.

PILOTAGE.

Application.

330. The fifth part of this act shall apply to the United Kingdom only.

Powers of Pilotage Authorities (General).

331. Every pilotage authority shall retain all powers and jurisdiction which it now lawfully possesses, so far as the same are consistent with the provisions of this act; but no law relating to such authority, or to the pilots licensed by it, and no act done by such authority, shall, if inconsistent with any provision of this act, be of any force whatever.

332. Every pilotage authority shall have power by byelaw made with the consent of her Majesty in council, to exempt the masters of any ships, or of any classes of ships, from being compelled to employ qualified pilots, and to annex any terms or conditions to such exemptions, and to revise and extend any exemptions now existing by virtue of this act or any other act of parliament, law or charter, or by usage, upon such terms and conditions and in such manner as may appear desirable to such authority (q).

333. Subject to the provisions contained in the fifth part of this act, it shall be lawful for every pilotage authority, by byelaw made with the consent of her Majesty in council, from time to time to do all or any of the following things within its districts; (that is to say,)

- (1.) To determine the qualifications to be required from persons applying to be licensed as pilots, whether in respect of their age, skill, time of service, character or otherwise;
- (2.) To make regulations as to the approval and licensing of pilot boats and ships, with power to establish and regulate companies for the support of such boats and ships, and for a participation in the profits made thereby; the companies so established to be exempt from the provisions of the act passed in the session holden in the seventh and eighth years of the reign of her present Majesty, chapter one hundred and ten, intituled "An Act for the Registration, Incorporation and Regulation of Joint Stock Companies" (r);
- (3.) To make regulations for the government of the pilots licensed by them, and for insuring their good conduct, and their constant attendance to and effectual performance of their duty, either at sea or on shore;
- (4.) To fix the terms and conditions of granting licences to pilots and apprentices, and of granting such pilotage certificates as hereinafter mentioned to masters and mates, and to make regulations for punishing any breach of such regulations as aforesaid committed by such pilots or apprentices or by such masters and mates by the withdrawal or suspension of their licences or certificates, as the case may be, or by the infliction of penalties to be recoverable

Application.

Application of Part V. of Act.

Powers of Pilotage Authorities (General).

General jurisdiction of pilotage authorities.

Power of pilotage authorities to make and extend exemptions from compulsory pilotage.

Powers of pilotage authorities.

To determine qualifications of pilots;

To make regulations as to pilot boats;

To make regulations for the government of the pilots;

To make regulations as to licence and certificates;

(p) Section 329 is repealed by the M. S. Act, 1873, s. 33. See the M. S. Act, 1873, ss. 23, 24, 25, 26, 27, 28. See also the Petroleum Act, 1871 (34 & 35 Vict. c. 106), ss. 4, 5; and the Explosive Substances Act, 1875 (38 & 39 Vict. c. 17).

(q) See *The Earl of Auckland, Lush.* 164, 387. See also "Table of Pilotage Authorities in England," and "Orders in Council," *post*.

(r) This act is repealed by the Companies Act, 1862 (25 & 26 Vict. c. 89), s. 205.

summarily before two justices, so that no such penalty be made to exceed the sum of twenty pounds, and so that every such penalty be capable of reduction at the discretion of the justices by whom the same is inflicted :

To alter and reduce rates of pilotage ;

(5.) To fix the rates and prices or other remuneration to be demanded and received for the time being by pilots licensed by such authority, or to alter the mode of remunerating such pilots, in such manner as such authority may, with such consent as aforesaid, think fit, so that no higher rates or prices be demanded or received from the masters or owners of ships in the case of the Trinity House than the rates and prices specified in the table marked U. in the schedule hereto ; and in the case of all other pilotage authorities, than the rates and prices which might have been lawfully fixed or demanded by such pilotage authorities respectively under any act of Parliament, charter, or custom in force immediately before the commencement of this act :

To arrange the limits of pilotage districts ;

(6.) To make such arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of such other authority or the privileges of the pilots licensed by such other authority or any of them to all or any part of its own district, or for limiting its own powers or the privileges of its own pilots or any of them, or for sharing the said last-mentioned powers and privileges with the said other authority and the pilots licensed by it, or for delegating or surrendering such powers and privileges or any of them to any other pilotage authority either already constituted or to be constituted by agreement between such authorities, and to the pilots licensed by it, as may appear to such pilotage authorities to be desirable for the purpose of facilitating navigation or of reducing charges on shipping :

To establish funds for superannuated pilots ;

(7.) To establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm qualified pilots, or of their wives, widows, or children, or to make any new regulations with respect to any funds already applicable to the above purposes or any of them, with power to determine the amount, manner, time, and persons (such persons to be in the service of such pilotage authority) to and in which and by and upon whom the contributions in support of such existing or future funds may be made or levied ; and further, to declare the persons or class of persons, (such persons or class of persons being confined to men in the service of such pilotage authority, their wives, widows, or children,) entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which they are to be so entitled :

To alter bye-laws.

(8.) To repeal or alter any bye-law made in exercise of the above powers, and to make a new bye-law or new bye-laws in lieu thereof :

And every bye-law duly made by any pilotage authority in exercise of the powers hereby given to it shall be valid and effectual, notwithstanding any act of Parliament, rule, law, or custom to the contrary (e).

Publication of bye-laws.

334. Every bye-law proposed to be enacted by any pilotage authority in pursuance of the foregoing powers shall, before it is submitted to her Majesty in council for her assent, be published in such manner as may from time to time be prescribed by the Board of Trade.

Bye-laws to be laid before Parliament.

335. Every order in council made in pursuance of the provisions hereinbefore contained shall be laid before both Houses of Parliament as soon as possible after the making thereof.

Power of appeal to Board of Trade.

336. If the greater part in number of the qualified pilots belonging to any port, or the local marine board, where there is one, or at any port

(e) See the M. S. Act, 1862, ss. 39 and 40, and the M. S. Act, 1872, ss. 9 and 11.

where there is no local marine board, if any masters, owners or insurers of ships, being not less than six in number, consider themselves aggrieved by any regulation or byelaw in force when this act comes into operation or hereafter made under some authority other than the provisions of this act, or by any defect or omission therein, they may appeal to the Board of Trade, and the said board may thereupon revoke or alter any such regulation or byelaw or may make additions thereto in such manner as, having regard to the interests of the persons concerned, may appear to be just and expedient; and every order so made shall be conclusive in the matter.

*Returns by
Pilotage
Authorities
(General).*

Returns by Pilotage Authorities (General).

337. Every pilotage authority shall deliver periodically to the Board of Trade, in such form and at such times as such board requires, returns of the following particulars with regard to pilotage within the port or district under the jurisdiction of such authority; (that is to say,)

- (1.) All byelaws, regulations, orders, or ordinances relating to pilots or pilotage for the time being in force:
- (2.) The names and ages of all pilots or apprentices licensed or authorized to act by such authority, and of all pilots or apprentices acting either mediately or immediately under such authority, whether so licensed or authorized or not:
- (3.) The service for which each pilot or apprentice is licensed:
- (4.) The rates of pilotage for the time being in force, including therein the rates and descriptions of all charges upon shipping made for or in respect of pilots or pilotage:
- (5.) The total amount received for pilotage, distinguishing the several amounts received from British ships and from foreign ships respectively (†), and the several amounts received in respect of different classes of ships paying different rates of pilotage, according to the scale of such rates for the time being in force, and the several amounts received for the several classes of service rendered by pilots; and also the amount paid by such ships (if any) as have before reaching the outer limits of pilotage water if outward bound, or their port of destination if inward bound, to take or pay for two or more pilots, whether licensed by the same or by different pilotage authorities; together with the numbers of the ships of each of the several classes paying such several amounts as aforesaid:
- (6.) The receipt and expenditure of all monies received by or on behalf of such authority, or by or on behalf of any sub-commissioners appointed by them, in respect of pilots or pilotage:

Pilotage authorities to make full returns to the Board of Trade of certain particulars connected with pilotage.

And shall allow the Board of Trade, or any persons appointed by such board for the purpose, to inspect any books or documents in its possession relating to the several matters hereinbefore required to be returned to the Board of Trade.

338. If any of such pilotage authorities as aforesaid (other than the Trinity House, or sub-commissioners of pilotage appointed by it, as hereinafter mentioned), fail to deliver to the Board of Trade the periodical returns hereinbefore required within one year of such time as may be fixed by such board for the purpose, or if any of such authorities do not allow the said board, or any persons who may be appointed by it for the purpose, to inspect any books or documents in their possession relating to the matters hereinbefore required to be returned by them, it shall be lawful for her Majesty, by and with the advice of her Privy Council, to direct that all the rights and powers of such authorities in respect of pilotage shall cease or be suspended during such time as her Majesty directs; and thereupon the Trinity House shall thereafter, or during such time as such

If local authorities fail to give the required returns, their jurisdiction may be transferred to the Trinity House.

(†) See the Harbours and Passing Tolls Act, 1861 (24 & 25 Vict. c. 47), s. 10, and the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), s. 141.

suspension may continue, have and exercise the same powers of appointing sub-commissioners of pilotage, and of licensing pilots, and of establishing and altering rates of pilotage, within the district within which the authority so making default has previously appointed or licensed pilots, as it is by this act authorized to exercise in any district for which no particular provision is made by any act of Parliament or charter for the appointment of pilots, and shall also during such time as aforesaid have and exercise the same rights, title, and powers to and in respect of any pilotage funds or other pilotage property which the said pilotage authorities would or might have had or exercised if not so suspended as aforesaid.

Returns to be laid before Parliament.

339. The Board of Trade shall without delay cause the several returns hereinbefore required to be made to such board to be laid before both Houses of Parliament.

Licensing of Masters and Mates (General).

Licensing of Masters and Mates (General).

Master or mate, if examined and passed, to receive a pilotage certificate, enabling him to pilot particular ships.

340. The master or mate of any ship may, upon giving due notice, and consenting to pay the usual expenses, apply to any pilotage authority to be examined as to his capacity to pilot the ship of which he is master or mate, or any one or more ships belonging to the same owner, within any part of the district over which such pilotage authority has jurisdiction; and such master or mate shall, if such authority thinks fit, thereupon be examined; and if found competent a pilotage certificate shall be granted (u) to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same, such limits to be within such jurisdiction as aforesaid; and such certificate shall enable the person therein named to pilot the ship or any of the ships therein specified, of which he is acting as master or mate at the time, but no other, within the limits therein described, without incurring any penalties for the non-employment of a qualified pilot.

Renewal of pilotage certificate.

341. The pilotage certificate so granted shall not be in force for more than one year, unless the same is renewed, which may from time to time be done by an indorsement under the hand of the secretary or other proper officer of the authority by whom such certificate was granted.

Board of Trade to examine and grant pilotage certificates to masters and mates, on pilotage authorities refusing to do so.

342. If upon complaint to the Board of Trade it appear to such board that any such authority as aforesaid has without reasonable cause refused or neglected to examine any master or mate who has applied to them for the purpose, or after he has passed the examination has without reasonable cause refused or neglected to grant him a pilotage certificate, or that the examination of any such master or mate has been unfairly or improperly conducted, or that any terms imposed or sought to be imposed by such authority are unfair or improper, or that any pilotage certificate granted by such authority has been improperly withdrawn, the Board of Trade may, if in its judgment the circumstances appear to require it, appoint persons to examine such master or mate, and if he is found competent may grant him a pilotage certificate, containing the same particulars as would have been inserted in any certificate granted by such pilotage authorities as aforesaid, upon such terms and conditions, and subject to such regulations, as such board may think fit; and such certificate shall have the same effect as if it had been granted by such pilotage authority as aforesaid; and such certificate shall be in force for one year, and may be renewed from year to year, either by the said authorities in manner hereinbefore mentioned, or by the Board of Trade, if such board thinks fit, such renewal to be endorsed on the said certificate, either by such person as the Board of Trade may appoint for the purpose, or in manner hereinbefore provided as to certificates granted by any pilotage authority.

(u) See *The Killarney*, Lush. 202.

343. All masters or mates to or for whom any such pilotage certificates as aforesaid are granted or renewed by any pilotage authority shall pay to such authority, or as it directs, such fees upon their respective certificates and upon the renewals thereof, as are from time to time fixed for that purpose by such authority, with the consent of the Board of Trade; and all masters and mates to or for whom any such certificates are granted or renewed by the Board of Trade shall pay to such board, or as it directs, such fees upon their certificates and upon the renewals thereof as may be fixed by such board, so nevertheless that in the case of pilotage certificates granted or renewed by the Board of Trade such fees shall in no case be less than the fees payable by the qualified pilots in the same district upon their licences and the renewal thereof; and such fees shall in the case of certificates and renewals granted by pilotage authorities be applicable either to paying the expense of the examinations, or any other general expenses connected with pilotage incurred by such authorities, or to the pilots' superannuation fund of the district (if any), or otherwise for the benefit of the pilots appointed by such authorities, as such authorities think fit; and such fees shall in the case of pilotage certificates granted or renewed by the Board of Trade be applicable to the expense of the examinations, and the surplus (if any) shall be applied for the benefit of the qualified pilots of the port or district to which such certificates apply, in such manner as such board thinks fit.

Fees to be paid upon such certificates and the renewals thereof.

344. If at any time it appears to the Board of Trade or to any pilotage authority that any master or mate to whom a pilotage certificate has been granted by such board or authority has been guilty of misconduct, or has shown himself incompetent to pilot his ship, such board or such authority (as the case may be) may thereupon withdraw his certificate, and such certificate shall thenceforth cease to be of any effect whatever.

Power to withdraw pilotage certificates.

Pilot Boats (General).

Pilot Boats (General).

345. All boats and ships regularly employed in the pilotage service of any district shall be approved and licensed by the pilotage authority of such district, who may, at their discretion, appoint and remove the masters of such boats and ships.

Pilot boats, how to be provided.

346. Every pilot boat or ship shall be distinguished by the following characteristics; (that is to say,)

Characteristics of pilot boats.

- (1.) A black colour painted or tarred outside, with the exception of such names and numbers as are hereinafter mentioned; or such other distinguishing colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, directs:
- (2.) On her stern the name of the owner thereof and the port to which she belongs painted in white letters at least one inch broad and three inches long, and on each bow the number of the licence of such boat or ship:
- (3.) When afloat, a flag at the mast-head or on a sprit or staff, or in some other equally conspicuous situation; such flag to be of large dimensions compared with the size of the boat or ship carrying the same, and to be of two colours, the upper horizontal half white, and the lower horizontal half red:

And it shall be the duty of the master of such boat or ship to attend to the following particulars: first, that the boat or ship possesses all the above characteristics; secondly, that the aforesaid flag is kept clean and distinct, so as to be easily discerned at a proper distance; and, lastly, that the names and numbers before mentioned are not at any time concealed; and if default is made in any of the above particulars he shall incur a penalty not exceeding twenty pounds for each default.

Qualified pilot to display flag though not in pilot boat.

347. Whenever any qualified pilot is carried off in a boat or ship not in the pilotage service he shall exhibit a flag of the above description, in order to show that such boat or ship has a qualified pilot on board; and if he fails to do so, without reasonable cause, he shall incur a penalty not exceeding fifty pounds.

Penalty on ordinary boat displaying pilot flag.

348. If any boat or ship, not having a licensed pilot on board, displays a flag of the above-mentioned description, there shall be incurred for every such offence a penalty not exceeding fifty pounds, to be recovered from the owner or from the master of such boat or ship.

Pilot Licences (General).

Pilot Licences (General).

Registry of pilot licence.

349. Every qualified pilot on his appointment shall receive a licence, containing his name and usual place of abode, together with a description of his person, and a specification of the limits within which he is qualified to act: and it shall be the duty of the principal officer of customs at the place at or nearest to which any qualified pilot may reside, upon his request, to register his licence; and no qualified pilot shall be entitled to act as such until his licence is so registered; and any qualified pilot, acting beyond the limits for which he is qualified by his licence shall be considered as an unqualified pilot.

Copies of regulations to be furnished to qualified pilot, and to be produced by him.

350. Every qualified pilot shall, upon receiving his licence, be furnished with a copy of such part of this act as relates to pilotage, together with a copy of the rates, byelaws, and regulations established within the district for which he is licensed; and he shall produce such copies to the master of any ship, or other person employing him, when required to do so, under a penalty in case of default not exceeding five pounds.

Qualified pilot to produce licence to employer.

351. Every qualified pilot, while acting in that capacity, shall be provided with his licence, and produce the same to every person by whom he is employed, or to whom he tenders his services as pilot; and if he refuses to do so at the request of such person, he shall incur for each offence a penalty not exceeding ten pounds, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

Licences to be delivered up, when required, and returned on death.

352. Every qualified pilot, when required (v) by the pilotage authority who appointed him, shall produce or deliver up his licence; and on the death of any qualified pilot the person into whose hands his licence happens to fall shall without delay transmit the same to the pilotage authority who appointed the deceased pilot; and any pilot or person failing to comply with the provisions of this section shall incur a penalty not exceeding ten pounds.

Compulsory Pilotage (General).

Compulsory Pilotage (General).

Compulsory pilotage, in what mode to be enforced.

353. Subject to any alteration to be made by any pilotage authority in pursuance of the power hereinbefore in that behalf given, the employment of pilots shall continue to be compulsory in all districts in which the same was by law compulsory (x) immediately before the time when this act comes into operation; and all exemptions from compulsory pilotage then existing (y) within such districts shall also continue in force; and every master of any unexempted ship navigating within any such district who, after a qualified pilot has offered to take charge of such ship or has made a signal for that purpose, either himself pilots such ship without possessing a pilotage certificate enabling him so to do, or employs or continues to employ an unqualified person to pilot her, and every master of any exempted ship navigating within any such district who after a qualified pilot has offered to take charge of such ship or has made a signal for that

(v) See *Henry v. The Newcastle Pilotage Board*, 8 E. & B. 723.

451.

(x) See *The Killarney*, Lush. 427; *The City of Cambridge*, L. R., 5 P. C.

(y) See the 6 G. 4, c. 125, ss. 59—63; *The Earl of Auckland*, Lush. 387; *The Stettin*, Br. & L. 199.

purpose employs or continues to employ an unqualified pilot to pilot her, shall for every such offence incur a penalty of double the amount of pilotage demandable for the conduct of such ship.

354. The master of every ship carrying passengers (z) between any place situate in the United Kingdom, or the islands of Guernsey, Jersey, Sark, Alderney, and Man, and any other place so situate, when navigating upon any waters situate within the limits of any district for which pilots are licensed by any pilotage authority, under the provisions of this or of any other act, or upon any part thereof so situate, shall, unless he or his mate has a pilotage certificate enabling such master or mate to pilot the said ship within such district, granted under the provisions hereinbefore contained, or such certificate as next hereinafter mentioned, being a certificate applicable to such district and to such ship, employ a qualified pilot to pilot his ship; and if he fails so to do he shall for every offence incur a penalty not exceeding one hundred pounds (a).

Home trade passenger ships to employ qualified pilots, unless they have certificated masters or mates.

355. Any master or mate of a ship which by the last preceding section is made subject to compulsory pilotage may apply to the Board of Trade for a certificate, and the Board of Trade shall thereupon, on satisfactory proof of his having continuously piloted any ship within the limits of any pilotage district, or of any part or parts thereof, for two years prior to the commencement of this act, or upon satisfactory proof by examination of his competency, or otherwise, as it may deem expedient, cause to be granted to him, or to be indorsed on any certificate of competency or service obtained by him under the third part of this act, a certificate to the effect that he is authorized to pilot any ship or ships belonging to the same owner, and of a draft of water not greater than such draft as may be specified in the certificate within the limits aforesaid; and the said certificate shall remain in force for such time as the Board of Trade directs, and shall enable the master or mate therein named to conduct the ship or ships therein specified (b) within the limits therein described to the same extent as if the last preceding section had not been passed, but not further or otherwise; and every such master or mate shall, upon applying for such certificate or for any renewal thereof, pay to the Board of Trade, or as it directs, such fees not exceeding the fees payable on an examination for a master's certificate of competency under the third part of this act as the Board of Trade directs; and such fees shall be applied in the same manner in which the fees payable on such last-mentioned examination are made applicable.

Certificates, how to be granted to such masters and mates.

Rights, Privileges and Remuneration of Pilots (General).

356. If any boat or ship, having a qualified pilot on board, leads any ship which has not a qualified pilot on board when such last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage for the distance run as if he had actually been on board and had charge of such ship.

Rights, Privileges and Remuneration of Pilots (General).

357. No pilot, except under circumstances of unavoidable necessity, shall without his consent be taken to sea or beyond the limits for which he is licensed in any ship whatever; and every pilot so taken under circumstances of unavoidable necessity or without his consent shall be entitled, over and above his pilotage, to the sum of ten shillings and sixpence a day, to be computed from and inclusive of the day on which such ship passes the limit to which he was engaged to pilot her up to and inclusive of the day of his being returned in the said ship to the place

Qualified pilot unable to board, when entitled to pilotage.

Allowance to qualified pilot taken out of his district.

(z) See *The Lion*, L. R., 2 P. C. 525.

2 Ex. Div. 467.

(a) See *The Temora*, Lush. 17, and *The General Steam Navigation Co. v. The London and Edinburgh Shipping Co.*

(b) See *The Earl of Auckland*, Lush. 164.

where he was taken on board, or up to and inclusive of such day as will allow him, if discharged from the ship, sufficient time to return thereto; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses.

Penalty on qualified pilot receiving or master offering improper rate.

358. Any qualified pilot demanding or receiving, and also any master offering or paying to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate for the time being demandable by law, shall for each offence incur a penalty not exceeding ten pounds (c).

Penalty on making a false declaration as to draught of ship or falsifying marks.

359. If any master, on being requested by any qualified pilot having the charge of his ship to declare her draught of water, refuses to do so, or himself makes or is privy to any other person making a false declaration to such pilot as to such draught, he shall incur a penalty for every such offence not exceeding double the amount of pilotage which would have been payable to the pilot making such request; and if any master or other person interested in a ship makes or is privy to any other person making any fraudulent alteration in the marks on the stern or stem post of such ship denoting her draught of water, the offender shall incur a penalty not exceeding five hundred pounds (d).

Power of qualified pilot to supersede unqualified pilot.

360. A qualified pilot may supersede an unqualified pilot, but it shall be lawful for the master to pay to such unqualified pilot a proportionate sum for his services, and to deduct the same from the charge of the qualified pilot; and in case of dispute the pilotage authority by whom the qualified pilot is licensed shall determine the proportionate sums to which each party is entitled.

Penalty on unqualified person acting as pilot.

361. An unqualified pilot assuming or continuing in the charge of any ship after a qualified pilot has offered to take charge of her, or using a licence which he is not entitled to use for the purpose of making himself appear to be a qualified pilot, shall for each offence incur a penalty not exceeding fifty pounds.

Occasions on which unlicensed persons may act as pilots.

362. An unqualified pilot may, within any pilotage district, without subjecting himself or his employer to any penalty, take charge of a ship as pilot under the following circumstances; (that is to say,)

When no qualified pilot has offered to take charge of such ship, or made a signal for that purpose; or

When a ship is in distress or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time; or

For the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where such act can be done by any unqualified pilot without infringing the regulations of the port or any orders which the harbour master is legally empowered to give.

Liability for and recovery of pilotage dues.

363. The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified pilot are obtained; (that is to say,) the owner or master, or such consignees or agents thereof as have paid or made themselves liable to pay any other charge on account of such ship in the port of her arrival or discharge, as to pilotage inwards, and in the port from which she clears out as to pilotage outwards; and in default of payment such pilotage dues may be recovered in the same manner as penalties of the like amount may be recovered by virtue of this act; but such recovery shall not take place until a previous demand thereof has been made in writing, and the dues so demanded have remained unpaid for seven days after the time of such demand being made.

(c) See the M. S. Act, 1872, s. 9.

(d) See the M. S. Act, 1871, s. 5, and the M. S. Act, 1873, s. 3.

364. Every consignee and agent (not being the owner or master) hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys in his hands received on account of such ship or belonging to the owner thereof, retain the amount of all dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability.

Power for consignees to retain pilotage dues paid by them.

Offences of Pilots (General).

Offences of Pilots (General).

365. If any qualified pilot commits any of the following offences; (that is to say,)

Penalties on qualified pilot:

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| (1.) Keeps himself, or is interested in keeping by any agent, servant, or other person, any public house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea : | exercising certain trades ; |
| (2.) Commits any fraud or other offence against the revenues of customs or excise or the laws relating thereto : | offending against revenue ; |
| (3.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea, or by shipwreck, or to their monies, goods, or chattels : | guilty of corrupt practices ; |
| (4.) Lends his licence : | lending licence ; |
| (5.) Acts as pilot whilst suspended : | acting when suspended. |
| (6.) Acts as pilot when in a state of intoxication : | acting when drunk ; |
| (7.) Employs or causes to be employed on board any ship of which he has the charge any boat, anchor, cable or other store, matter or thing beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain or for the gain of any other person : | unnecessarily causing expense ; |
| (8.) Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his licence upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom such pilot is licensed, or by any principal officer of customs : | declining to go off ; |
| (9.) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship : | unnecessarily cutting or slipping cable ; |
| (10.) Refuses, on the request of the master, to conduct the ship of which he has the charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship : | refusing to conduct ship into port ; |
| (11.) Quits the ship of which he has the charge, without the consent of the master, before the service for which he was hired has been performed : | quitting ship. |

He shall for each such offence, in addition to any liability for damages at the suit of the person aggrieved, incur a penalty not exceeding one hundred pounds, and be liable to suspension or dismissal by the pilotage authority by whom he is licensed ; and every person who procures, abets, or connives at the commission of any such offence shall likewise, in addition to any such liability for damages as aforesaid, incur a penalty not exceeding one hundred pounds, and, if a qualified pilot, shall be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

366. If any pilot, when in charge of any ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship ; or if any pilot, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from

Penalty on pilot endangering ship, life or limb.

loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb, the pilot so offending shall for each such offence be deemed guilty of a misdemeanor, and, if a qualified pilot, also be liable to suspension and dismissal by the authority by which he is licensed.

Penalty on pilot in charge of a ship doing her wilful injury.

367. If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains or endeavours to obtain the charge of such ship, such person, and every other person procuring, abetting, or conniving at the commission of such offence, shall, in addition to any liability for damages at the suit of the party aggrieved, incur a penalty not exceeding one hundred pounds, and if the offender is a qualified pilot, he shall also be liable to suspension or dismissal by the pilotage authority by which he is licensed.

General Power of Trinity House.

General Power of Trinity House.

Power of Trinity House to alter regulations.

368. The Trinity House may, in exercise of the general power hereinbefore given to all pilotage authorities of doing certain things in relation to pilotage matters, alter such of the provisions hereinafter contained as are expressed to be subject to alteration by them in the same manner and to the same extent as they might have altered the same if such provisions had been contained in any previous act of Parliament instead of in this act.

Sub-Commissioners and Pilots (Trinity House).

Sub-Commissioners and Pilots (Trinity House).

Power of Trinity House to appoint sub-commissioners.

369. The Trinity House shall continue to appoint sub-commissioners, not being more than five nor less than three in number, for the purpose of examining pilots in all districts in which they have been used to make such appointments, and may, with the consent of her Majesty in council, but not otherwise, appoint like sub-commissioners for any other district in which no particular provision is made by any Act of Parliament or charter for the appointment of pilots; but no pilotage district already under the authority of any sub-commissioners appointed by the Trinity House shall be extended, except with such consent as aforesaid, and no sub-commissioners so appointed shall be deemed to be pilotage authorities within the meaning of this act.

Trinity House to license pilots to act within certain limits.

370. The Trinity House shall continue, after due examination by themselves or their sub-commissioners, to appoint and license under their common seal pilots for the purpose of conducting ships within the limits following or any portion of such limits; (that is to say.)

- (1.) "The London District," comprising the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the seas and channels leading thereto or therefrom as far as Orfordness to the north and Dungeness to the south; so nevertheless, that no pilot shall be hereafter licensed to conduct ships both above and below Gravesend;
- (2.) "The English Channel District," comprising the seas between Dungeness and the Isle of Wight;
- (3.) "The Trinity House Outport Districts," comprising any pilotage district for the appointment of pilots within which no particular provision is made by any act of Parliament or charter (e).

Publication of notice of licences of pilots by the Trinity House of pilots.

371. Subject to any alteration to be made by the Trinity House, the names of all pilots licensed by the Trinity House shall be published in manner following; (that is to say.)

- (1.) The Trinity House shall at their house in London fix up a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act;
- (2.) The Trinity House shall transmit a copy of such notice to the Commissioners of Customs in London, and to the principal officers of

(e) See *Hadgraft v. Hewith*, L. R., 10 Q. B. 350.

customs resident at all ports within the limits for which such pilot is licensed; and such notice shall be posted up by the Commissioners at the Custom House in London, and by such officers at the custom houses of the ports at which they are respectively resident.

372. Subject to any alteration to be made by the Trinity House, every Trinity House pilot on his appointment shall execute a bond for one hundred pounds conditioned for the due observance on his part of the regulations and bye-laws of the Trinity House, such bond to be free from stamp duty, and from any other charge except the actual expense for preparing the same. Bonds to be given.

373. No qualified pilot who has executed such bond as is hereinbefore mentioned shall be liable for neglect or want of skill beyond its penalty and the amount of pilotage payable to him in respect of the voyage on which he is engaged. Liability limited.

374. Subject to any alteration to be made by the Trinity House, no licence granted by them shall continue in force beyond the thirty-first day of January next ensuing the date of such licence, but the same may, upon the application of the pilot holding such licence, be renewed on such thirty-first day of January in every year, or any subsequent day, by indorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by them for that purpose (*f*). Continuance and renewal of licences.

375. The Trinity House shall have power to revoke or suspend the licence of any pilot appointed by them, in such manner and at such time as they think fit. Power to revoke and suspend licences.

Compulsory Pilotage (Trinity House).

376. Subject to any alteration to be made by the Trinity House, and to the exemptions hereinafter contained, the pilotage districts of the Trinity House within which the employment of pilots is compulsory are the London district and the Trinity House outport districts, as hereinbefore defined; and the master of every ship navigating within any part of such district or districts, who, after a qualified pilot has offered to take charge of such ship, or has made a signal for that purpose, either himself pilots such ship without possessing a certificate enabling him so to do, or employs or continues to employ an unqualified person to pilot her, shall for every such offence, in addition to the penalty hereinbefore specified, if the Trinity House certify in writing under their common seal that the prosecutor is to be at liberty to proceed for the recovery of such additional penalty, incur an additional penalty not exceeding five pounds for every fifty tons burden of such ship. *Compulsory Pilotage (Trinity House).* Penalty on masters of ships employing unlicensed pilots, or acting as pilot.

377. Subject to any alteration to be made by the Trinity House, a sufficient number of qualified pilots shall always be ready to take charge of ships coming from the westward past Dungeness; and the Trinity House shall, by bye-law to be made in the same manner as other bye-laws made under the powers herein contained, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply of qualified pilots for such ships, and to insure their constant attendance upon and due performance of their duty both by night and day, whether by cruising between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both of such means, or by any other means, and whether in rotation or otherwise, as the Trinity House think fit. Trinity House to make regulations for a constant supply of qualified pilots at Dungeness.

378. Subject to any alteration to be made by the Trinity House, every master of any ship coming from the westward, and bound to any place in the rivers Thames and Medway, (unless she has a qualified pilot on board Ship coming past Dungeness not having pilot on board

(*f*) See *The Beta*, Br. & L. 328.

to take the first qualified pilot who offers.

Penalty on masters failing to display usual signal for pilot.

Exemptions from compulsory pilotage.

Rates of Pilotage (Trinity House).

Rates of pilotage.

Payment of pilotage due from foreign ships trading to and from the port of London.

or is exempted from compulsory pilotage,) shall, on the arrival of such ship off Dungeness, and thenceforth until she has passed the south buoy of the Brake, or a line to be drawn from Sandown Castle to the said buoy, or until a qualified pilot has come on board, display and keep flying the usual signal for a pilot (*g*); and if any qualified pilot is within hail, or is approaching and within half a mile, and has the proper distinguishing flag flying in his boat, such master shall, by heaving-to in proper time or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate such pilot getting on board, and shall give the charge of piloting his ship to such pilot; or if there are two or more of such pilots offering at the same time, to such one of them as may, according to the regulations for the time being in force, be entitled or required to take such charge; and if any such master fails to display or keep flying the usual signal for a pilot (*g*) in manner hereinbefore required, or to facilitate any such qualified pilot as aforesaid getting on board as hereinbefore required, or to give the charge of piloting his ship to such pilot as hereinbefore mentioned in that behalf, he shall incur a penalty not exceeding double the sum which might have been demanded for the pilotage of his ship, such penalty to be paid to the Trinity House, and to be carried to the account of the Trinity House Pilot Fund.

379. The following ships, when not carrying passengers, shall be exempted from compulsory pilotage in the London district and in the Trinity House outport districts; (that is say,)

- (1.) Ships employed in the coasting trade of the United Kingdom (*h*):
- (2.) Ships of not more than sixty tons burden:
- (3.) Ships trading to Boulogne or to any place in Europe north of Boulogne (*i*):
- (4.) Ships from Guernsey, Jersey, Alderney, Sark or Man, which are wholly laden with stone being the produce of those islands:
- (5.) Ships navigating within the limits of the port to which they belong (*k*):
- (6.) Ships passing through the limits of any pilotage district on their voyages between two places both situate out of such limits, and not being bound to any place within such limits nor anchoring therein (*l*).

Rates of Pilotage (Trinity House).

380. Subject to any alteration to be made by the Trinity House (*m*), there shall continue to be paid to all Trinity House pilots, in respect of their pilotage services, such dues as are immediately before the time when this act comes into operation payable to them in respect of such services.

381. Subject to any alteration to be made by the Trinity House, and notwithstanding anything hereinbefore contained, there shall be paid in respect of all foreign ships trading to and from the port of London, and not exempted from pilotage, the following pilotage dues; that is to say, as to ships inwards, the full amount of dues for the distance piloted, and as to ships outwards, the full amount of dues for the distance required by law; and payment of such pilotage dues shall be made to the collector of customs in the port of London by some one or more of the following persons, that is to say, the master or other person having the charge of such ship, or the consignees or agents thereof who have paid or made themselves liable to pay any other charge for such ship in the said port of London; and such pilotage may be recovered in the same manner as other pilotage dues are hereinbefore declared to be recoverable.

(*g*) See the M. S. Act, 1873, s. 19, and Sched. II.

(*h*) See *The Lloyds, Br. & L.* 359, and the Customs Consolidation Act, 1876, s. 141.

(*i*) See *The Wesley, Lush.* 268.

(*k*) See *The Statin, Br. & L.* 199,

and *The General Steam Navigation Co. v. The British and Colonial Steam Navigation Co.*, L. R., 3 Ex. 330; L. R., 4 Ex. 238.

(*l*) See the M. S. Act, 1862, s. 41.

(*m*) See "Orders in Council," *post*.

382. Subject to any alteration to be made by the Trinity House, the said collector of customs shall, on receiving any pilotage dues in respect of foreign ships, give to the person paying the same a receipt in writing; and no officer of customs in the port of London shall grant a clearance or transire for any such foreign ship as aforesaid without the production of such receipt; and if any such ship attempts to go to sea without such clearance or transire, any such officer may detain her until the said receipt is produced.

Certificate of payment of pilotage to be given.

383. Subject to any alteration to be made by the Trinity House, the said collector shall pay over to the Trinity House the pilotage dues received by him in respect of any foreign ship; and the Trinity House shall apply the same in manner following:

Application of such monies by Trinity House.

In the first place, in paying to any pilot who may bring sufficient proof of his having had the charge of such ship such dues as would have been payable to him for such pilotage service if the ship had been a British ship, after deducting therefrom the poundage due to the Trinity House:

In the second place, in paying to any unlicensed person who may bring sufficient proof of his having, in the absence of a licensed pilot, had the charge of such ship, such amount as the Trinity House may think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage:

And, lastly, shall pay over to the Trinity House Pilots Fund the residue, together with all poundage deducted as aforesaid.

384. Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall upon application by either party, made, in case of a ship inward bound, within twelve hours after her arrival or at some time before she begins to discharge her cargo, and in the case of a ship outward-bound before she quits her moorings, appoint some proper officer who shall measure the ship, and settle the difference accordingly: And there shall be paid to the officer measuring such ship, by the party against whom he decides, the following sums; (that is to say,) one guinea if the ship be below, and half a guinea if the ship be above the entrance of the London Docks at Wapping.

Settlement of difference as to draught of ship.

Pilot Fund (Trinity House) (n).

Pilot Fund (Trinity House).

385. Subject to any alteration to be made by the Trinity House, there shall continue to be paid to them, and carried over to the Trinity House Pilot Fund, the sums of money following; (that is to say,)

Payments to be made to the pilot fund.

(1.) A poundage of sixpence in the pound upon the pilotage earnings of all pilots licensed by the Trinity House:

(2.) A sum of three pounds three shillings to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of such district:

And any qualified pilot giving a false account of his earnings, or making default in payment of any sum due from him under this section, shall forfeit double the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

386. Subject to any prior charges that may be subsisting thereon by virtue of any act or acts of Parliament or otherwise, the said Trinity House Pilot Fund shall be chargeable in the first instance with such expenses as the Trinity House may duly incur in performance of their duties in respect of pilots and pilotage, and after payment thereof shall, subject to any alteration to be made by the Trinity House, be administered by the Trinity House for the benefit of such pilots licensed by them after the first day of October, one thousand eight hundred and fifty-three, as are incapacitated

Application of fund.

(n) See the M. S. Act, 1862, s. 42, and the M. S. Act, 1872, s. 10.

for the performance of their duty by reason of age, infirmity or accident, or of the widows and children of pilots so licensed, or of such incapacitated pilots only.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

Power to Trinity Houses of Hull and Newcastle to appoint sub-commissioners.

387. The two corporations of the Trinity Houses of the ports of Hull and Newcastle (o) shall continue to appoint sub-commissioners, not being more than seven nor less than three in number, for the purpose of examining pilots in all districts in which they have been used to make such appointments, and may, with the consent of her Majesty in council, but not otherwise, appoint like sub-commissioners for any other district situate within their respective jurisdictions; but no pilotage district already under the authority of any sub-commissioners appointed by either of the said corporations shall be extended, except with such consent as aforesaid; and no sub-commissioners appointed or to be appointed by the Trinity Houses of Hull and Newcastle shall be deemed to be pilotage authorities within the meaning of this act, nor shall anything in this act contained be held to confer upon the commissioners for regulating the pilotage of the port of Kingston-upon-Hull and of the river Humber any jurisdiction of a different nature or character from that which they have heretofore exercised.

Saving of Owners and Masters Rights.

Saving of Owners and Masters Rights.

Limitation of liability of owner where pilotage is compulsory.

388. No owner or master of any ship shall be answerable (p) to any person whatever for any loss or damage occasioned (q) by the fault or incapacity (r) of any qualified pilot (s) acting in charge of such ship (t), within any district (u) where the employment of such pilot is compulsory by law (x).

PART VI.

LIGHTHOUSES.

Management of Lighthouses.

Management of Lighthouses.

Management of lighthouses, buoys, and beacons to be in Trinity House, Commissioners of Northern Lighthouses, and Port of Dublin Corporation.

389. Subject to the provisions hereinafter contained, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons, hereinafter termed "local authorities," the superintendence and management of all lighthouses, buoys and beacons shall be vested in the following bodies; (that is to say.)

In England and Wales, and the islands of Jersey, Guernsey, Sark, and Alderney, and the adjacent seas and islands, and in Heligoland and Gibraltar, in the Trinity House (y):

In Scotland and the adjacent seas and islands, and in the Isle of Man, in the Commissioners of Northern Lighthouses hereinafter mentioned:

In Ireland and the adjacent seas and islands, in the Port of Dublin Corporation:

And subject to the provisions hereinafter contained, the said Trinity House, commissioners, and corporation (hereinafter termed "general lighthouse authorities") shall respectively continue to hold and maintain all

(o) A great part of the jurisdiction in pilotage matters of the Trinity House of Newcastle is now vested in the Tyne Pilotage Commissioners (28 Vict. c. 44, Sched. s. 11).

(p) See *The Conservators of the River Thames v. Hall*, L. R., 3 C. P. 415.

(q) See *Clyde Navigation Co. v. Barclay*, 1 App. Cas. 790.

(r) See *The Calabar*, L. R., 2 P. O. 238; *The City of Cambridge*, L. R., 5 P. C. 451.

(s) See sect. 2.

(t) See *The Ocean Wave*, L. R., 3 P. C. 205.

(u) See *The Stettin*, Br. & L. 199; *The General Steam Navigation Co. v. The British and Colonial Steam Navigation Co.*, L. R., 3 Ex. 330; 4 Ex. 238.

(x) See *The Hibernian*, L. R., 4 P. C. 511.

(y) See the Thames Conservancy Act, 1864 (27 & 28 Vict. c. 113), ss. 50, 51 and 52.

property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

390. The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses; (that is to say,)

Incorporation of Commissioners of Northern Lighthouses.

- (1.) The Lord Advocate and the Solicitor-General for Scotland:
- (2.) The Lords Provost of Edinburgh and Glasgow, and the Provosts of the cities of Aberdeen, Inverness, and Campbeltown:
- (3.) The eldest Bailies of Edinburgh and Glasgow:
- (4.) The Sheriffs of the counties of Edinburgh, Lanark, Renfrew, Bute, Argyle, Inverness, Ross, Orkney, Caithness, Aberdeen, Ayr, Fife, Forfar, Wigton, Sutherland, Kincardine, Kirkcudbright and Elgin:

And shall have a common seal; and any five of such commissioners shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body of commissioners.

391. In addition to the persons above mentioned, it shall be lawful for the said commissioners at any time after this act comes into operation to elect the provost or chief magistrate of any royal or parliamentary burgh on or near any part of the coasts of Scotland and the sheriff of any county abutting on such coasts.

Power to elect certain new members.

392. The Trinity House, their engineers, workmen, and servants, may at all times enter any lighthouses within the jurisdiction of the said commissioners or corporation to view the condition thereof or otherwise for the purposes of this act.

Trinity House may inspect lighthouses in Scotland and Ireland.

393. The Board of Trade may, upon complaint to the effect that any lighthouse, buoy, or beacon under the management of any of the said general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed, or unnecessary, authorize persons to inspect the same; and every person so authorized may inspect the same accordingly, and make such inquiries in respect thereof and of the management thereof, as he may think fit; and all officers and others having the care of such lighthouses, buoys, or beacons or concerned in the management thereof, shall furnish all such information and explanations in relation thereto as he may require; and the said general lighthouse authorities and their respective officers shall at all times give to the Board of Trade all such returns, explanations, or information in relation to the lighthouses, buoys, or beacons within their jurisdiction and the management thereof, as such Board may from time to time require.

Board of Trade may appoint persons to inspect lighthouses, &c.

394. Each of the said general lighthouse authorities, upon giving due notice of their intention, shall have power, with the sanction of the Board of Trade, to compel any local authority having jurisdiction in the matter of lighthouses, buoys, or beacons at any place situate within the jurisdiction of such general lighthouse authority, to lay down buoys, or to remove or discontinue any existing lighthouse or beacon, or to make any variation in the character of any lighthouse or in the mode of exhibiting lights therein; and no such local authority as aforesaid shall erect any new lighthouse, or remove or discontinue any lighthouse, or vary the character of any lighthouse or the mode of exhibiting lights therein, without the sanction of the general lighthouse authority within whose jurisdiction the same is situate (z).

Power to general lighthouse authorities to control local authorities.

395. If any local authority having power to erect, maintain, or place any local lighthouse, buoy, or beacon at any place within the jurisdiction of one of the said general lighthouse authorities fails so to do, or fails to obey any direction given by such authority under the last preceding section, her Majesty may, upon application from such general lighthouse authority, by order in council direct that such power as aforesaid shall be transferred to such last-mentioned authority; and such power, together

In case of default by local bodies, local lighthouses may be transferred to general lighthouse authorities.

(z) See the M. S. Act, 1862, s. 43; and the Removal of Wrecks Act, 1877 (40 & 41 Vict. c. 16), s. 6.

with all powers of levying and receiving dues in respect of such lighthouse, buoy, or beacon, shall thereupon become vested in such last-mentioned authority; and such lighthouse, with its appurtenances, and also such buoy or beacon, and all dues leviable in respect thereof, shall thenceforth be subject in all respects to the same regulations as other lighthouses and light dues, buoys, and beacons provided for by this act.

Light Dues.

Dues to be levied.

Light dues to be subject to revision by her Majesty in council.

Powers of general lighthouse authorities to alter and regulate dues.

Publication of dues and regulations.

Ship not to be cleared without production of receipt for light dues.

Light Dues.

396. Subject to any alterations to be made under the powers herein-after contained, the said general lighthouse authorities shall, in respect of the existing lighthouses, buoys, or beacons within their respective jurisdictions, continue to levy dues, hereinafter called light dues, after the rate at which the same are levied at the time when this act comes into operation; and such light dues shall be payable in respect of all ships whatever, except ships belonging to her Majesty, and ships hereby exempted from payment thereof (a).

397. Her Majesty may, by and with the advice of her privy council, from time to time reduce all or any of the dues for the time being payable in respect of existing or future lighthouses, buoys, or beacons for the time being under the management of the said general lighthouse authorities (b); and may also, by and with the like advice, from time to time increase or vary any of such dues, so that no dues payable in respect of any lighthouse, buoy, or beacon existing at the time when this act comes into operation are made to exceed the amount which has at any period previous to such time been received in respect thereof, or to which the said dues might during any part of such period as last aforesaid lawfully have been raised (c).

398. Each of the said general lighthouse authorities shall have power, with the consent of her Majesty in council, to do any of the following things; (that is to say,)

To exempt any ships or any classes of ships from the payment of light dues receivable by such authority, and to annex any terms or conditions to such exemptions:

To alter the times, places, and modes at and in which the light dues receivable by such authority are payable:

To substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships, for the dues payable to such authority for the time being.

399. Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom houses within the United Kingdom; and each of the said general lighthouse authorities shall from time to time as occasion requires furnish copies of such tables and regulations to the Commissioners of Customs in London, and to the principal officers of customs resident at all places where light dues are collected on account of such lighthouse authority; and such copies shall be posted up by the Commissioners at the Custom House in London, and by such officers at the custom houses of the places at which they are respectively resident.

400. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and no officer of customs at any port where light dues are payable in respect of any ship shall grant a clearance or transire for any ship unless the receipt for the same is produced to him.

(a) See the M. S. Act, 1855, ss. 2—8, and the M. S. Act, 1862, ss. 44—47.

(b) See the Local Light Dues Reduction Act, 1876 (39 & 40 Vict. c. 27).

(c) A list of orders in council, made under the provisions of this section, and now in force, is printed *infra*.

401. If the owner or master of any ship fails, on demand of the authorized collector, to pay the light dues due in respect thereof, it shall be lawful for such collector, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, to enter upon such ship, and distrain the goods, guns, tackle, or any other thing of or belonging to or on board such ship, and to detain such distress until the said light dues are paid; and if payment of the same is not made within the period of three days next ensuing such distress, he may, at any time during the continuance of such nonpayment, cause the same to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the said owner or master.

Power of distress for light dues.

402. Every person appointed to collect light dues by any of the said general lighthouse authorities shall collect all light dues payable at the port or place at which he is so appointed, whether the same be collected on account of such last-mentioned authority or of the other general lighthouse authorities, and shall pay over to the general lighthouse authority by whom he was appointed, or as it directs, the whole amount of light dues received by him; and the authority so receiving the same shall keep accounts thereof, and shall cause the same to be remitted to her Majesty's paymaster-general in such manner as the Board of Trade directs (d).

Light dues, how to be paid over and accounted for.

403. All light dues coming to the hands of any of the said general lighthouse authorities under this act shall be carried to the account of the Mercantile Marine Fund hereinafter mentioned, and shall be dealt with in manner hereinafter prescribed.

Application of light dues.

Construction of and Dues for New Lighthouses.

New Lighthouses.

404. Each of the said general lighthouse authorities shall have power, within its jurisdiction, to execute the following works and do the following things; (that is to say,)

Power to lighthouse authorities to erect, place and alter lighthouses, buoys, and beacons.

- (1.) To erect or place new lighthouses, with all requisite works, roads, and appurtenances, or alter or remove any existing lighthouses:
- (2.) To erect or place any new buoys or beacons, or alter or remove any existing buoys or beacons:
- (3.) To take and purchase any land which may be necessary for the above purposes, or for the maintenance of the works or the residence of the light keepers:
- (4.) To vary the character of any lighthouse or the mode of exhibiting lights therein:
- (5.) To sell any land belonging to it:

But the exercise of the above power shall, in the case of the said commissioners and corporation, be subject to the restrictions hereinafter contained.

405. Previously to undertaking any such work as aforesaid, the said commissioners or corporation, as the case may be, shall forward a notice specifying fully the nature of the work proposed to be undertaken by them, and their reasons for undertaking the same, to the Trinity House, who shall take the proposed scheme into their consideration, and notify to the said commissioners or corporation their approval or rejection thereof, with or without modifications; but no such notification shall be binding on the said commissioners or corporation until the same has been sanctioned by the Board of Trade in manner hereinafter mentioned; and at any time previous to such sanction being given, the said commissioners or corporation may forward to the Trinity House and the Board of Trade, or either

This power in the case of the commissioners and corporation to be subject to approval of Trinity House, with appeal to Board of Trade.

(d) See the M. S. Act, 1855, s. 4.

of them, any objections to, or observations upon, or suggestions in respect of, such notification.

Sanction of Board of Trade, how to be obtained.

406. In order to obtain such sanction as aforesaid, the Trinity House shall forward a copy of their notification, accompanied by copies of all communications that have passed between the Trinity House and the said commissioners or corporation, to the Board of Trade; and such Board shall have power to give any directions they may think fit in relation to the matters submitted to them, by granting or withholding their sanction, either wholly or partially, and either with or without modification.

Trinity House to inform lighthouse authorities of decision of Board of Trade.

407. The Trinity House shall forthwith communicate the directions given by the Board of Trade in relation to the matters aforesaid to the said commissioners or corporation, and the said commissioners or corporation shall, upon the receipt of such directions, be bound to act in conformity therewith, and to do or forbear doing anything thereby directed to be done or forborne.

Power to Trinity House, with sanction of Board of Trade, to compel execution of works by commissioners and corporation.

408. The Trinity House shall have power to direct the said commissioners and corporation, or either of them, to execute the following works; (that is to say,)

- (1.) To continue any existing lighthouses, buoys, or beacons:
- (2.) To erect or place any new lighthouses, buoys, or beacons, or alter or remove any existing lighthouses, buoys, or beacons:
- (3.) To vary the character of any lighthouse, or the mode of exhibiting lights therein:

But no such directions shall be issued to the said commissioners or corporation until the issue thereof has been sanctioned by the Board of Trade; such sanction to be obtained by the Trinity House in manner hereinafter mentioned.

Sanction of Board of Trade, how to be obtained.

409. Previously to issuing any such directions as aforesaid, the Trinity House shall make an application to the Board of Trade, stating fully the nature of the work to which such directions relate and their reasons for directing the same, and shall at the same time give notice to the said commissioners or corporation respectively of such their application, by causing written notice of the said application and a copy of the proposed directions to be left at or sent to the office of the said commissioners in Edinburgh, or the office of the said corporation in Dublin, as the case may be; and opportunity shall be afforded to the said commissioners or corporation to submit any observations they may see fit to make with respect to such application to the Trinity House and to the Board of Trade; and if thereupon the said Trinity House adhere to their said directions, and if the Board of Trade concur therein, and if such adherence and concurrence is duly notified to the said commissioners or corporation, it shall be their duty within a reasonable time after such notification is made to carry the said directions into effect.

Her Majesty may by order in council fix dues to be taken for new lighthouses.

410. Upon the completion of any new lighthouse, buoy, or beacon, her Majesty may by order in council fix such dues in respect thereof to be paid by the master or owner of every ship which passes the same or derives benefit therefrom as her Majesty may deem reasonable, and may from time to time alter the amount thereof; and such dues shall be paid and collected in the same manner, by the same means, and subject to the same conditions in, by, and subject to which the light dues authorized to be levied by this act are paid and collected.

No dues to be levied in the Channel Islands without

411. No dues for any lighthouse, buoy, or beacon to be erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall be taken in the said islands of Guernsey or Jersey without the consent of the states

of the said islands respectively; nor shall any powers hereinbefore given to the Trinity House in respect of any lighthouse, buoy, or beacon erected or placed in the islands of Guernsey or Jersey, or hereafter to be erected or placed in such islands, be exercised without the consent of her Majesty in council.

412. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act (Scotland), 1845, shall be incorporated in this act, and shall apply to all lighthouses to be constructed and all land to be purchased under the powers thereof.

consent of the States, and no power to be exercised therein but by order in council.

Incorporation of 8 & 9 Vict. cc. 18 and 19.

Surrender of Local Lighthouses.

413. Every local authority holding any lighthouse, buoy, or beacon at any place within the jurisdiction of any of the said general lighthouse authorities may, if they think fit, surrender or sell the same to such general lighthouse authority, and such authority may, with the consent of the Board of Trade, accept or purchase the same, the purchase money (if any) to be paid out of the said Mercantile Marine Fund; and thereupon such lighthouse and its appurtenances, or such buoy or beacon, as the case may be, shall become vested in such authority; and such authority shall be entitled to receive all dues lawfully payable in respect thereof at the time of such surrender or sale, or, if her Majesty by order in council so directs, such dues as might be fixed and made payable if the same were a new lighthouse, buoy, or beacon; and such lighthouse, buoy, or beacon, and the dues payable in respect thereof, shall, after such surrender or sale, be subject in all respects to the same regulations as other lighthouses and light dues, buoys, and beacons provided for by this act.

Surrender of Local Lighthouses.

Local lighthouses may be surrendered to general lighthouse authorities.

Damage to Lights, Buoys and Beacons.

414. If any person wilfully or negligently commits any of the following offences; (that is to say,)

- (1.) Injures any lighthouse or the lights exhibited therein, or any buoy or beacon:
- (2.) Removes, alters or destroys any light ship, buoy, or beacon:
- (3.) Rides by, makes fast to, or runs foul of any light ship or buoy:

He shall, in addition to the expenses of making good any damage so occasioned, incur a penalty not exceeding fifty pounds.

Damage to Lights, Buoys and Beacons.

Penalty for injuring lights, buoys and beacons.

Prevention of False Lights.

415. Whenever any fire or light is burned or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the general lighthouse authority within whose jurisdiction such place is situate, to serve a notice upon the owner of the place where the fire or light is burned or exhibited, or on the person having the charge of such fire or light, either personally or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice to direct such owner or person, within a reasonable time to be therein specified, to take effectual means for the extinguishing or effectually screening such existing light, and for preventing for the future any similar fire or light; and any owner or person disobeying such notice shall be deemed guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall incur a penalty not exceeding one hundred pounds.

Prevention of False Lights.

General lighthouse authorities may prohibit false lights.

If not obeyed they may abate such lights.

416. If any owner or person served with such notice as aforesaid neglects for a period of seven days to extinguish or effectually screen the fire or light therein mentioned, it shall be lawful for the general lighthouse authority within whose jurisdiction the same may be, by their servants or workmen, to enter upon the place whereon the same may be, and forthwith to extinguish such fire or light, doing no unnecessary damage; and all expenses incurred by such authority in such extinction may be recovered from such person or owner as aforesaid, in the same way as penalties are hereby directed to be recoverable.

Mercantile Marine Fund.

Sums to be carried to Mercantile Marine Fund.

6 & 7 Vict. c. lvii.

Application of Mercantile Marine Fund.

VII.

MERCANTILE MARINE FUND.

417. The following sums shall be carried to a common fund, to be entitled "The Mercantile Marine Fund;" (that is to say,)

- (1.) All fees and other sums (other than fines and forfeitures) received by the Board of Trade under the provisions of the third and fourth parts of this act:
- (2.) All light dues or other sums received by or accruing to the Trinity House, the Commissioners of Northern Lighthouses, and the port of Dublin Corporation, under the sixth part of this act:
- (3.) All rates and monies received by the Trinity House under the local act of the seventh year of her present Majesty, chapter fifty-seven, for the regulation of lastage and ballastage in the river Thames(e):
- (4.) All fees and other sums mentioned in the table marked V. in the schedule hereto which are received by receivers appointed under the eighth part of this act:

And an account of the said fund intituled "The Mercantile Marine Fund Account," shall be kept with her Majesty's paymaster-general.

418. Subject to any prior charges that may be subsisting thereon by virtue of any act or acts of Parliament or otherwise, the said fund shall be chargeable with the following expenses; (that is to say,)

- (1.) The salaries and other expenses connected with the local marine boards, the examinations, and the shipping offices provided for by the third part of this act:
- (2.) *The salaries of surveyors, and other expenses connected with the survey of passenger steam ships provided for by the fourth part of this act (f):*
- (3.) All expenses incurred by the general lighthouse authorities aforesaid in the works and services of lighthouses, buoys and beacons provided for by the sixth part of this act, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of such works and services:
- (4.) All expenses incurred by the Trinity House in respect of lastage and ballastage in the river Thames:
- (5.) Such expenses for establishing and maintaining on the coasts of the United Kingdom proper life-boats, with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases, as the Board of Trade directs:
- (6.) Any expenses incurred in carrying into effect the provisions with regard to receivers and the performance of their duties contained in the eighth part of this act:

(e) This act appears to have expired. See sect. 57 of the act, and the Thames Conservancy Act, 1864 (27 & 28 Vict. c. 113), s. 41.

(f) Subsect. 2 is repealed by sect. 45 of the M. S. Act, 1876. See the M. S. Act, 1876, s. 39.

(7.) Any expenses which by this or any other Act of Parliament are specially charged thereon :

And shall, save as hereinafter mentioned, be applicable to no other purpose whatever (g).

419. The said rates and monies received by the Trinity House under the said local act of the seventh year of her present Majesty, chapter fifty-seven, shall, subject to the payment of such proportion of any prior charges subsisting on the Mercantile Marine Fund as may in the opinion of the Board of Trade be fairly chargeable thereon, and to the powers of raising money upon the credit of the said fund herein contained, be applicable only to services performed for the purpose of supplying ballast to or providing for the safety or convenience of such ships as navigate the said river Thames and the seas and channels leading thereto between Orfordness on the north and Dungeness on the south: Provided that if, in addition to the duties performed in consideration of the said ballastage rates under the said local act, the Trinity House, at the request or with the consent of the owners or masters of or agents for any ships, undertake to place ballast on board thereof, or to unload ballast therefrom, they shall be entitled to charge for such additional duties such reasonable additional rate per ton for ballast so placed on board or unladen as her Majesty by order in council from time to time approves.

Application of ballastage rates.

6 & 7 Vict. c. lvii.

420. Her Majesty may from time to time, by and with the advice of her privy council, fix the establishments to be maintained by each of the said general lighthouse authorities on account of the services of lighthouses, buoys and beacons, and also as regards the Trinity House, on account of the service of lastage and ballastage in the river Thames, or the annual or other sums to be paid out of the said fund, in respect of such establishments; and if it appears that any part of the establishments of the said lighthouse authorities is maintained for the purposes of such duties and also for other purposes, to fix and from time to time alter the portion of the expense of such establishments to be paid out of the said fund; and no increase of any establishment or part of an establishment so fixed shall be made without the consent of the Board of Trade.

Establishments for lighthouses and ballastage charged on fund to be fixed by her Majesty in council.

421. The said general lighthouse authorities may from time to time, with the sanction of the Board of Trade, grant superannuations or compensations to persons whose salaries are payable out of the said fund, and who are discharged or retire; so nevertheless that no superannuation allowance or compensation to any person so discharged or retiring shall exceed the proportion of his salary which might be granted to a person in the public civil service, under the act of the fourth and fifth years of King William the Fourth, chapter twenty-four, or under any other act for regulating such superannuation allowances or compensations for the time being in force.

Power to grant superannuation allowances.

422. Each of the said general lighthouse authorities shall from time to time submit to the Board of Trade estimates of all expenses to be incurred by them in respect of the matters aforesaid, other than the establishment expenses for the time being allowed by order in council as aforesaid; and shall also, whenever in providing for any sudden emergency it is necessary to incur any expense without waiting until an estimate can be sanctioned, as soon as possible send to the Board of Trade a full account of such expense; and the Board of Trade shall consider and may approve such estimates and accounts, either with or without modification.

Estimates and accounts for other expenses to be approved by the Board of Trade.

423. No expense of any of the said general lighthouse authorities in respect of the said services shall be paid out of the Mercantile Marine Fund, or allowed in account, other than the sums so allowed for establish-

No expense to be allowed unless sanc-

(g) See the M. S. Act Repeal Act, 1854, ss. 7, 8; the M. S. Act, 1867, s. 10; the Chain Cables and Anchors

Act, 1874 (37 & 38 Vict. c. 51), s. 2; and the Removal of Wrecks Act, 1877 (40 & 41 Vict. c. 16), s. 6.

tioned by
Board of
Trade.

For the
purpose of
erecting and
repairing
lighthouses,
and other
extraordinary
expenses,
Treasury may
advance
money.

ment expenses as aforesaid, or included in estimates or accounts approved by the Board of Trade.

424. For the purpose of the construction and repair of lighthouses, and of other extraordinary expenses connected with the said services, the Treasury are authorized from time to time, upon the application of the Board of Trade, to advance out of the growing produce of the Consolidated Fund of the United Kingdom such sums of money, upon such terms and at such rate of interest as they think fit, and to pay the same into the Mercantile Marine Fund account, so nevertheless that the whole sum for the time being due in respect of such advances shall never at any one time exceed two hundred thousand pounds; and upon any advance being so made the sum so advanced and the interest shall be a charge on the Mercantile Marine Fund, and upon the dues, rates, fees, and payments so to be carried thereto as aforesaid; and the Board of Trade shall make such provision for the repayment thereof out of the said fund, either by forming a sinking fund or otherwise, as the Treasury may require; provided that no such advance shall prevent any lawful reduction of any of the said dues, rates, fees, or payments, if such reduction be assented to by the Treasury.

Power to
Board of
Trade to bor-
row money on
the credit of
fund.

425. The Board of Trade may also, for the purpose last aforesaid, raise money by mortgaging the Mercantile Marine Fund, and the several dues, rates, fees, and payments so to be carried thereto as aforesaid, or any of them, or any part thereof, to any person or body of persons; and every such mortgage shall be in such form, and under the hand and seal of such person or persons, as the president of the said Board for the time being may direct; and no person or body of persons lending money upon any such mortgage shall be bound to see to the purpose for which the same is raised, or to the mode in which it is applied.

Power to
Public Works
Loan Commis-
sioners to ad-
vance money
on the credit
of the fund.

426. The Public Works Loan Commissioners may also, for the purpose last aforesaid, advance money upon mortgage of the said Mercantile Marine Fund, and the several dues, rates, fees, and payments so to be carried thereto as aforesaid, or any of them, or any part thereof, without requiring any further security than such mortgage as aforesaid; but every mortgage so made to the said Public Works Loan Commissioners, or their secretary for the time being, shall be made under and in pursuance of the acts of Parliament regulating the proceedings of the said Public Works Loan Commissioners, anything herein contained to the contrary notwithstanding: Provided, that no advance which may be made by the said Public Works Loan Commissioners shall prevent any lawful reduction of any of the said dues, rates, fees, or payments, if such reduction is assented to by the said Public Works Loan Commissioners.

Lighthouse
authorities to
account for
receipt and
expenditure to
Board of
Trade.

427. Each of the said general lighthouse authorities shall account to the Board of Trade for their receipts from the said light dues and ballastage rates, and for their expenditure as regards expenses paid out of the said fund, in such form, and at such times, and with such details, explanations, and vouchers, as the Board of Trade requires, and shall, when required by such Board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as the said Board appoints for that purpose (h).

Accounts of
fund to be
audited by
commissioners
of audit.

428. The Board of Trade shall render to the commissioners for auditing the public accounts periodical accounts of the whole of the receipts and expenditure of the Mercantile Marine Fund, such accounts to be signed and declared to by the accountant appointed by the Board of Trade for that purpose; and in case of default it shall be lawful for the Treasury to

(h) See the M. S. Act, 1862, s. 47.

make or direct such allowance as under the circumstances of the case they may think fit in respect thereof.

429. The Board of Trade shall as soon as practicable after the meeting of Parliament in every year cause the account of the Mercantile Marine Fund for the then preceding year to be laid before both Houses of Parliament.

Accounts to be laid before Parliament.

430. All lighthouses, buoys, beacons, and light dues, and all other rates, fees, or payments accruing to or forming part of the said fund, and all premises or property belonging to or occupied by any of the said general lighthouse authorities or the Board of Trade, which are used or applied for the purposes of any of the services for which such dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the said general lighthouse authorities or the Board of Trade in carrying on the said services, shall be exempted from all public, parochial and local taxes, duties and rates of every kind (i).

Property used for the purposes of Parts III. and VI. of Act to be exempt from all rates and taxes.

431. The ships (i) belonging to or used by any of the said general lighthouse authorities, or by the Board of Trade, shall be privileged to enter, resort to, and use any harbours, ports, docks, or piers in the United Kingdom, without payment of any tolls, dues, or rates of any kind.

Ships of lighthouse authorities exempt from harbour dues.

PART VIII.

WRECKS, CASUALTIES AND SALVAGE.

Inquiries into Wrecks.

Inquiries into Wrecks.

432. In any of the cases following, (that is to say,)

Whenever any ship is lost, abandoned, or materially damaged on or near the coasts of the United Kingdom ;

Whenever any ship causes loss or material damage to any other ship on or near such coasts ;

Whenever by reason of any casualty happening to or on board of any ship on or near such coasts loss of life ensues ;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in the United Kingdom :

It shall be lawful for the inspecting officer of the coast guard or the principal officer of customs residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred on or near the coasts of the United Kingdom, but if elsewhere at or near the place where such witnesses as aforesaid arrive or are found or can be conveniently examined, or for any other person appointed for the purpose by the Board of Trade, to make inquiry respecting such loss, abandonment, damage, or casualty ; and he shall for that purpose have all the powers given by the first part of this act to inspectors appointed by the said Board.

Inquiries to be instituted in cases of wreck and casualty.

433. If it appears to such officer or person as aforesaid, either upon or without any such preliminary inquiry as aforesaid, that a formal investigation is requisite or expedient, or if the Board of Trade so directs, he shall apply to any two justices or to a stipendiary magistrate to hear the case ; and such justices or magistrate shall thereupon proceed to hear and try the same, and shall for that purpose, so far as relates to the summoning of parties, compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which they or he have power to make a summary conviction or order, or as near thereto as

Formal investigation before justices.

(i) See the M. S. Act, 1862, s. 48.

circumstances permit; and it shall be the duty of such officer or person as aforesaid to superintend the management of the case, and to render such assistance to the said justices or magistrate as is in his power; and, upon the conclusion of the case, the said justices or magistrate shall send a report to the Board of Trade, containing a full statement of the case and of their or his opinion thereon, accompanied by such report of or extracts from the evidence, and such observations (if any) as they or he may think fit (k).

Power to appoint nautical assessor.

434. *In cases where nautical skill and knowledge are required the Board of Trade shall have the power, either at the request of such justices or magistrate, or at its own discretion, to appoint some person of nautical skill and knowledge to act as assessor to such justices or magistrate; and such assessor shall, upon the conclusion of the case, either signify his concurrence in their report by signing the same, or if he dissents therefrom shall signify such dissent and his reasons therefor to the Board of Trade (l).*

Stipendiary magistrate to be the magistrate who is member of Local Marine Board, and to be paid.

435. In places where there is a local marine board, and where a stipendiary magistrate is a member of such board, all such investigations as aforesaid shall, whenever he happens to be present, be made before such magistrate; and there shall be paid to such magistrate in respect of his services under this act such remuneration, whether by way of annual increase of salary or otherwise, as her Majesty's Secretary of State for the Home Department, with the consent of the Board of Trade, may direct; and such remuneration shall be paid out of the Mercantile Marine Fund.

Costs of such investigations.

436. The said justices or magistrate may make such order with respect to the costs of any such investigation or any portion thereof as they or he may deem just, and such costs shall be paid accordingly, and shall be recoverable in the same manner as other costs incurred in summary proceedings before them or him; and the Board of Trade may, if in any case it thinks fit so to do, pay the expense of any such investigation, and may pay to such assessor as aforesaid such remuneration as it thinks fit (m).

Investigations in Scotland.

437. In the case of any such investigation as aforesaid to be held in Scotland, the Board of Trade may, if it so thinks fit, remit the same to the Lord Advocate to be prosecuted in such manner as he may direct (n). . .

Master or mate may be required to deliver certificate to be held until close of inquiry.

438. Such justices or magistrate as aforesaid may, or in Scotland such person or persons, as is or are directed by the Lord Advocate to conduct the investigation may, if they or he think fit, require any master or mate possessing a certificate of competency or service whose conduct is called in question, or appears to them or him likely to be called in question in the course of such investigation, to deliver such certificate to them or him, and they or he shall hold the certificate so delivered until the conclusion of the investigation, and shall then either return the same to such master or mate, or if their report is such as to enable the Board of Trade to cancel or suspend such certificate under the powers given to such Board by the third part of this act, shall forward the same to the Board of Trade, to be dealt with as such Board thinks fit; and if any master or mate fails so to deliver his certificate when so required, he shall incur a penalty not exceeding fifty pounds.

(k) See *Ex parte Ferguson*, L. R., 6 Q. B. 280.

(l) Section 434 is repealed by sect. 45 of the M. S. Act, 1876. See the M. S. Act, 1876, s. 30.

(m) The words in italics in this

section are repealed by the Statute Law Revision Act, 1878.

(n) The remainder of this section is repealed by sect. 45 of the M. S. Act, 1876.

Appointment and Duties of Receivers.

439. The Board of Trade shall throughout the United Kingdom have the general superintendence of all matters relating to wreck; and it may, with the consent of the Commissioners of her Majesty's Treasury, appoint any officer of customs or of the coast guard, or any officer of inland revenue, or, when it appears to such Board to be more convenient, any other person, to be a receiver of wreck in any district, and to perform such duties as are hereinafter mentioned, and shall give due notice of every such appointment (o).

Appointment and Duties of Receivers.

Board of Trade superintendents of wreck, with power to appoint receivers.

440. No admiral, vice-admiral or other person, under whatever denomination, exercising Admiralty jurisdiction, shall as such, by himself or his agents, receive, take, or interfere with any wreck except as hereinafter mentioned.

Admiral not to interfere with wreck.

441. Whenever any ship or boat is stranded or in distress at any place on the shore of the sea or of any tidal water within the limits of the United Kingdom, the receiver of the district within which such place is situate shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions, as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys such directions, he shall forfeit a sum not exceeding fifty pounds; but it shall not be lawful for such receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

Duty of receiver when any ship is stranded or in distress.

442. The receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo and apparel, do the following things; (that is to say,)

Powers of receiver in case of such accident to any ship or boat.

- (1.) Summon such number of men as he thinks necessary to assist him:
- (2.) Require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship or boats as may be in his power:
- (3.) Demand the use of any waggon, cart, or horses that may be near at hand:

And any person refusing without reasonable cause to comply with any summons, requisition, or demand so made as aforesaid, shall for every such refusal incur a penalty not exceeding one hundred pounds; but no person shall be liable to pay any duty of assessed taxes in respect of any such waggon, cart, or horses by reason of the user of the same under this section.

443. All cargo and other articles belonging to such ship or boat as aforesaid that may be washed on shore, or otherwise be lost or taken from such ship or boat, shall be delivered to the receiver (p); and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or to any person authorized by him to demand the same, shall incur a penalty not exceeding one hundred pounds; and it shall be lawful for such receiver or other person as aforesaid to take such cargo or article by force from the person so refusing to deliver the same.

All articles washed on shore, or lost, or taken from any ship or boat, to be delivered to the receiver.

444. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo as aforesaid, it shall be lawful for the receiver to cause such person to be apprehended, and to use force for

Power of receiver to suppress plunder and disorder by force.

(o) See the M. S. Repeal Act, 1854, ss. 10—13.

(p) See the Fisheries (Ireland) Act, 1869 (32 & 33 Vict. c. 92), s. 11.

the suppression of any such plundering, disorder, or obstruction as aforesaid, with power to command all her Majesty's subjects to assist him in the use of such force; and if any person is killed, maimed, or hurt by reason of his resisting the receiver in the execution of the duties hereby committed to him, or any person acting under his orders, such receiver or other person shall be free and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed or hurt.

Certain officers to exercise powers of receiver in his absence.

445. During the absence of the receiver from the place where any such accident as aforesaid occurs, or in places where no receiver has been appointed under this act, the following officers in succession, each in the absence of the other, in the order in which they are named, that is to say, any principal officer of customs or of the coast guard, or officer of inland revenue, and also any sheriff, justice of the peace, commissioned officer on full pay in the naval service of her Majesty, or commissioned officer on full pay in the military service of her Majesty, may do all matters and things hereby authorized to be done by the receiver, with this exception, that with respect to any goods or articles belonging to any such ship or boat, the delivery up of which to the receiver is hereinbefore required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and no person so acting as substitute for any receiver shall be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Power in case of a ship being in distress to pass over adjoining lands with carriages.

446. Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass either with or without carriages or horses over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any cargo or other article recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, cargo or articles in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is hereby made recoverable; and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is hereby in case of dispute directed to be determined.

Penalty on owners and occupiers of land refusing to allow carriages, &c., to pass over their land.

447. If the owner or occupier of any land over which any person is hereby authorized to pass or repass for any of the purposes hereinbefore mentioned does any of the following things; (that is to say,)

- (1.) Impedes or hinders any such person from so passing or repassing, with or without carriages, horses, and servants, by locking his gates, refusing, upon request, to open the same, or otherwise however:
- (2.) Impedes or hinders the deposit of any cargo or other article recovered from any such ship or boat, as hereinbefore mentioned:
- (3.) Prevents such cargo or other article from remaining so deposited for a reasonable time, until the same can be removed to a safe place of public deposit:

He shall for every such offence incur a penalty not exceeding one hundred pounds.

Power of receiver to institute ex-

448. Any receiver, or in his absence any justice of the peace, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any

ship which may be or may have been in distress on the coasts of the United Kingdom, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; (that is to say,)

- (1.) The name and description of the ship :
- (2.) The name of the master and of the owners :
- (3.) The names of the owners of the cargo :
- (4.) The ports or places from and to which the ship was bound :
- (5.) The occasion of the distress of the ship :
- (6.) The services rendered :
- (7.) Such other matters or circumstances relating to such ship, or to the cargo on board the same, as the receiver or justice thinks necessary :

And such receiver or justice shall take the examination down in writing, and shall make two copies of the same, of which he shall send one to the Board of Trade, and the other to the secretary of the committee for managing the affairs of Lloyd's in London, and such last-mentioned copy shall be placed by the said secretary in some conspicuous situation for the inspection of persons desirous of examining the same; and for the purposes of such examination every such receiver or justice as aforesaid shall have all the powers given by the first part of this act to inspectors appointed by the Board of Trade (p).

449. Any examination so taken in writing as aforesaid, or a copy thereof, purporting to be certified under the hand of the receiver, or justice before whom such examination was taken, shall be admitted in evidence in any court of justice, or before any person having by law or by consent of parties authority to hear, receive and examine evidence, as *prima facie* proof of all matters contained in such written examination (q).

Original or certified copy of examination to be *prima facie* evidence.

450. The following rules shall be observed by any person finding or taking possession of wreck (r) within the United Kingdom; (that is to say,)

- (1.) If the person so finding or taking possession of the same is the owner, he shall as soon as possible give notice to the receiver of the district within which such wreck is found, stating that he has so found or taken possession of the same; and he shall describe in such notice the marks by which such wreck is distinguished :
- (2.) If any person not being the owner finds or takes possession of any wreck, he shall as soon as possible deliver the same to such receiver as aforesaid :

Rules to be observed by persons finding wreck.

And any person making default in obeying the provisions of this section shall incur the following penalties; (that is to say,)

- (3.) If he is the owner and makes default in performing the several things, the performance of which is hereby imposed on an owner, He shall incur a penalty not exceeding one hundred pounds :
- (4.) If he is not the owner and makes default in performing the several things, the performance of which is hereby imposed on any person not being an owner, He shall forfeit all claim to salvage : He shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount); and He shall incur a penalty not exceeding one hundred pounds.

451. If any receiver suspects or receives information that any wreck is secreted, or in the possession of some person who is not the owner thereof,

Power for receivers to seize concealed wreck.

(p) Sect. 15, and see the M. S. Act, 1876, s. 31.

(r) See *The Zeta*, L. R., 4 A. & E. 460; see also the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45), s. 21.

(q) This section is repealed by sect. 45 of the M. S. Act, 1876.

or otherwise improperly dealt with, he may apply to any justice of the peace for a warrant, and such justice shall have power to grant a warrant, by virtue whereof it shall be lawful for the receiver to enter into any house or other place wherever situate, and also into any ship or boat, and to search for, and to seize and detain any such wreck as aforesaid there found; and if any such seizure is made in consequence of information that may have been given by any person to the receiver, the informer shall be entitled by way of salvage to such sum not exceeding in any case five pounds as the receiver may allow.

Notice of wreck to be given by receiver.

452. Every receiver shall within forty-eight hours after taking possession of any wreck cause to be posted up in the custom house of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds twenty pounds, but not otherwise, transmit a similar description to the secretary of the committee of Lloyd's aforesaid; and such secretary shall post up the description so sent, or a copy thereof, in some conspicuous place, for the inspection of all persons desirous of examining the same.

Goods deemed perishable or of small value may be sold immediately.

453. In cases where any wreck in the custody of any receiver is under the value of five pounds, or is of so perishable a nature or so much damaged that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the receiver may sell the same before the expiration of the period hereinafter mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.

In cases where any lord of the manor or other person is entitled to unclaimed wreck, receiver to give notice to him.

454. In cases where any admiral, vice-admiral, lord of the manor, or other person is entitled for his own use to unclaimed wreck found on any place situate within a district for which a receiver is appointed, such admiral, vice-admiral, lord of the manor, or other person shall deliver to such receiver a statement containing the particulars of his title, and the address to which notices are to be sent; and upon such statement being so delivered, and proof made to the satisfaction of the receiver of the validity of such title, it shall be his duty, whenever he takes possession of any wreck found at any such place, to send within forty-eight hours thereafter a description of the same and of any marks by which it is distinguished, directed to such address as aforesaid.

Payments to be made to receiver.

455. There shall be paid to all receivers appointed under this act the expenses properly incurred by them in the performance of their duties, and also in respect of the several matters specified in the table marked V. in the schedule hereto, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Board of Trade; and the receiver shall have the same lien and be entitled to the same remedies for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him; but, save as aforesaid, no receiver appointed under this act shall, as such, be entitled to any remuneration whatsoever (s).

Disputes as to sums payable to receiver to be determined by Board of Trade.

456. Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Board of Trade, whose decision shall be final.

Application of fees.

457. All fees received by any receiver appointed under this act, in respect of any services performed by him as receiver, shall be carried to and form part of the Mercantile Marine Fund, and a separate account thereof shall be kept, and the monies arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of the eighth part of this act, in such manner as the Board of Trade directs.

(s) See the M. S. Repeal Act, 1864, ss. 12, 13, and the M. S. Act, 1855, s. 20.

Salvage in the United Kingdom.

458. In the following cases, (that is to say,)

Whenever any ship or boat is stranded or otherwise in distress (t) on the shore of any sea or tidal water situate within the limits of the United Kingdom (u), and services are rendered by any person,

(1.) In assisting such ship or boat:

(2.) In saving the lives of the persons belonging to such ship or boat (v):

(3.) In saving the cargo or apparel of such ship or boat, or any portion thereof:

And whenever any wreck (x) is saved by any person other than a receiver within the United Kingdom:

There shall be payable by the owners of such ship or boat, cargo, apparel, or wreck, to the person by whom such services or any of them are rendered or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of such services or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

Salvage in the United Kingdom.

Salvage in respect of services rendered in the United Kingdom.

459. Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all other claims for salvage; and in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life or lives, the Board of Trade may in its discretion award to the salvors of such life or lives out of the Mercantile Marine Fund such sum or sums as it deems fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

Salvage for life may be paid by Board of Trade out of Mercantile Marine Fund.

460. Disputes with respect to salvage arising within the boundaries of the Cinque Ports shall be determined in the manner in which the same have hitherto been determined (y); but whenever any dispute arises elsewhere in the United Kingdom between the owners (z) of any such ship, boat, cargo, apparel, or wreck as aforesaid, and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise,

Disputes as to salvage, how to be settled.

Then, if the sum claimed (a) does not exceed two hundred pounds,

Such dispute shall be referred to the arbitration of any two justices of the peace resident as follows; (that is to say,)

In case of wreck, resident at or near the place where such wreck is found:

In case of services rendered to any ship or boat, or to the persons, cargo, or apparel belonging thereto, resident at or near the place where such ship or boat is lying, or at or near the first port or place in the United Kingdom into which such ship or boat is brought after the occurrence of the accident by reason whereof the claim to salvage arises (b):

But if the sum claimed exceeds two hundred pounds,

Such dispute may, with the consent of the parties, be referred to the arbitration of such justices as aforesaid, but if they do not consent

(t) See *The Leda*, Swa. 40.

(u) See *The Willem III.*, L. R., 3 A. & E. 487.

(v) See *The Cairo*, L. R., 4 A. & E. 184; *The Cargo ex Schiller*, 2 P. D. 145; and *The Cargo ex Sarpodon*, 3 P. D. 28.

(z) See sect. 2, and *Palmer v. Rouse*, 3 H. & N. 505; see also the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45),

s. 21.

(y) See *The Maria Luisa*, Swa. 67; *The Jeune Paul*, L. R., 1 A. & E. 336.

(z) See *The Louisa*, Br. & L. 59.

(a) See *The William and John*, Br. & L. 49.

(b) See the M. S. Act, 1862, s. 49, and *Beadnell v. Beeson*, L. R., 3 Q. B. 439.

shall in England be decided by the High Court of Admiralty of England, in Ireland by the High Court of Admiralty of Ireland (c), and in Scotland by the Court of Session; subject to this proviso, that if the claimants in such dispute do not recover in such Court of Admiralty or Court of Session a greater sum than two hundred pounds, they shall not, unless the Court certifies that the case is a fit one to be tried in a superior Court, recover any costs, charges, or expenses incurred by them in the prosecution of their claim (d):

And every dispute with respect to salvage may be heard and adjudicated upon on the application either of the salvor or of the owner of the property salvaged, or of their respective agents (e).

Manner in which justices may decide disputes.

461. Whenever in pursuance of this act any dispute as to salvage is referred to the arbitration of two justices, they may either themselves determine the same, with power to call to their assistance any person conversant with maritime affairs as assessor, or they may if a difference of opinion arises between them, or without such difference, if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute; and such justices or their umpire shall make an award as to the amount of salvage payable, within the following times, that is to say, the said justices within forty-eight hours after such dispute has been referred to them, and the said umpire within forty-eight hours after his appointment, with power nevertheless for such justices or umpire by writing under their or his hands or hand to extend the time within which they and he are hereby respectively directed to make their or his award.

Costs of arbitration.

462. There shall be paid to every assessor and umpire who may be so appointed as aforesaid in respect of his services such sum not exceeding five pounds as the Board of Trade may from time to time direct; and all the costs of such arbitration, including any such payments as aforesaid, shall be paid by the parties to the dispute, in such manner and in such shares and proportions as the said justices or as the said umpire may direct by their or his award.

Justices may call for documents, and administer oaths.

463. The said justices or their umpire may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Appeal to Courts of Admiralty.

464. If any person is aggrieved by the award made by such justices or such umpire as aforesaid, he may in England appeal to the High Court of Admiralty of England, in Ireland to the High Court of Admiralty of Ireland, and in Scotland to the Court of Session; but no such appeal shall be allowed unless the sum in dispute (f) exceeds fifty pounds, nor unless within ten days after the date of the award the appellant gives notice to the justices to whom the matter was referred of his intention to appeal, nor unless the appellant proceeds to take out a monition, or to take such other proceeding as according to the practice of the Court of Appeal is necessary for the institution of an appeal, within twenty days from the date of the award.

Justices to transmit copy of proceedings and certificate of value to Court of Appeal.

465. Whenever any appeal is made in manner hereinbefore provided the justices shall transmit to the proper officer of the Court of Appeal a copy on unstamped paper certified under their hands, to be a true copy of the proceedings had before such justices or their umpire, if any, and of the award so made by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the Court of Appeal as evidence in the cause.

(c) See the Admiralty Court (Ireland) Act, 1867 (30 & 31 Vict. c. 114), s. 27.

(d) See the County Courts Admiralty

Jurisdiction Act, 1868, s. 3.

(e) See the M. S. Act, 1855, s. 19.

(f) See *The Generous*, L. R., 2 A. & E. 57.

466. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally ascertained either by agreement or by the award of such justices or their umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed two hundred pounds, it shall be lawful for the party liable to pay the amount so due to apply to the receiver of the district for liberty to pay the amount so ascertained to him; and he shall, if he thinks fit, receive the same accordingly, and grant a certificate under his hand, stating the fact of such payment and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, apparel, and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds two hundred pounds, it shall be apportioned in manner hereinafter mentioned.

Payment of salvage, to whom to be made in case of dispute as to apportionment.

467. Upon the receipt of any such amount as aforesaid the receiver shall with all convenient speed proceed to distribute the same among the several persons entitled thereto, upon such evidence and in such shares and proportions as he thinks fit, with power to retain any monies that may appear to him to be payable to any absent parties; but any distribution made in pursuance of this section shall be final and conclusive against the rights of all persons claiming to be entitled to any portion of the monies so distributed.

Apportionment of salvage.

468. Whenever any salvage is due to any person under this act, the receiver shall act as follows; (that is to say,)

Manner of enforcing payment of salvage.

- (1.) If the same is due in respect of services rendered in assisting any ship or boat, or in saving the lives of persons belonging to the same, or the cargo or apparel thereof,

He shall detain such ship or boat and the cargo and apparel belonging thereto until payment is made, or process has been issued by some competent Court for the detention of such ship, boat, cargo, or apparel:

- (2.) If the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained,

He shall detain such wreck until payment is made, or process has been issued in manner aforesaid:

But it shall be lawful for the receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel or wreck so detained by him as aforesaid^(g); and in cases where the claim for salvage exceeds two hundred pounds it shall be lawful in England for the High Court of Admiralty of England, in Ireland for the High Court of Admiralty of Ireland, and in Scotland for the Court of Session^(h), to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where bond or other security is given to the receiver for an amount exceeding two hundred pounds it shall be lawful for the salvor or for the owner of the property saved, or their respective agents, to institute proceedings in such last-mentioned Courts for the purpose of having the questions arising between them adjudicated upon, and the said Courts may enforce payment of the said bond or other security, in the same manner as if bail had been given in the said Courts.

469. Whenever any ship, boat, cargo, apparel or wreck is detained by any receiver for nonpayment of any sums so due as aforesaid, and the parties liable to pay the same are aware of such detention, then, in the following cases; (that is to say,)

Power of receiver to sell property saved in cases of nonpayment.

^(g) See *The Lady Katharine Barham*, Lush. 404, and the M. S. Act, 1862, s. 50.

^(h) See the M. S. Act, 1862, s. 51.

- (1.) In cases where the amount is not disputed, and payment thereof is not made within twenty days after the same has become due:
- (2.) In cases where the amount is disputed, but no appeal lies from the first tribunal to which the dispute is referred, and payment thereof is not made within twenty days after the decision of such first tribunal:
- (3.) In cases where the amount is disputed, and an appeal lies from the decision of the first tribunal to some other tribunal, and payment thereof is not made within such twenty days as last aforesaid, or such monition as hereinbefore mentioned is not taken out within such twenty days, or such other proceedings as are according to the practice of such other tribunal necessary for the prosecution of an appeal are not instituted within such twenty days:

The receiver may forthwith sell such ship, boat, cargo, apparel, or wreck, or a sufficient part thereof, and out of the proceeds of the sale, after payment of all expenses thereof, defray all sums of money due in respect of expenses, fees, and salvage, paying the surplus, if any, to the owners of the property sold, or other the parties entitled to receive the same.

Subject to payment of expenses, fees and salvage, owner entitled to wreck.

470. Subject to the payment of such expenses, fees and salvage as aforesaid, the owner of any wreck who establishes his claim thereto to the satisfaction of the receiver within one year from the date at which such wreck has come into the possession of the receiver, shall be entitled to have the same delivered up to him (i).

Unclaimed Wreck in the United Kingdom.

Receiver to deliver up possession of unclaimed wreck to lord of manor or other person entitled.

Unclaimed Wreck in the United Kingdom.

471. In the event of no owner establishing a claim to wreck found in any place in the United Kingdom before the expiration of a year from the date at which the same has come into the possession of the receiver, then, if any such admiral, vice-admiral, lord of any manor, or other person as aforesaid has given notice to and has proved to the satisfaction of the receiver that he is entitled to wreck found at such place, the receiver shall, upon payment of all expenses, fees, and salvage due in respect of such wreck, deliver up possession thereof to such admiral, vice-admiral, lord of the manor (k), or other person; and in case of dispute as to the amount of the sums so payable, and also in case of default being made in payment thereof, such dispute shall be determined and payment enforced in the manner in which such amount and payment is hereby directed to be determined and enforced in cases where any owner establishes his claim to wreck.

Disputed title to wreck, how to be decided.

472. If any dispute arises between the receiver and any such admiral, vice-admiral, lord of any manor, or other person as aforesaid as to the validity of his title to wreck, or if divers persons claim to be entitled to wreck found at the same place, the matter in dispute may be decided by two justices in the same manner in which disputes as to salvage coming within the jurisdiction of justices are hereinbefore directed to be determined.

Appeal from decision of justices.

473. If any party to such dispute is unwilling to refer the same to two justices, or, having so referred the same, is dissatisfied with their decision, he may within three months from the expiration of such year as aforesaid or from the date of such decision as aforesaid, as the case may be, take such proceedings as he may be advised in any Court of Law, Equity, or Admiralty having jurisdiction in the matter, for establishing his title.

Power of the Board of Trade on behalf of

474. The Board of Trade shall have power, with the consent of the Treasury, out of the revenue arising under the eighth part of this act, for and on behalf of her Majesty, her heirs and successors, to purchase all

(i) See the M. S. Act, 1862, s. 52.

(k) See sect. 501.

such rights to wreck as may be possessed by any person or body corporate, other than her Majesty; and for the purpose of facilitating such purchases the provisions of the "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation (Scotland) Act, 1845," relating to the purchase of lands by agreement, shall be incorporated with this act; and in the construction of this act and the said incorporated acts this act shall be considered to be the "special act;" and any such rights to wreck as aforesaid shall be considered as an interest in land authorized to be taken by the special act, and her Majesty, her heirs and successors, shall be considered as the promoters of the undertaking.

475. If no owner establishes his claim to wreck found at any place before the expiration of such period of a year as aforesaid, and if no admiral, vice-admiral, lord of any manor or person other than her Majesty, her heirs and successors, is proved to be entitled to such wreck, the receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and deducting therefrom his fees, and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Board of Trade may in each case or by any general rule determine, pay the same into the receipt of her Majesty's exchequer in such manner as the Treasury may direct, and the same shall be carried to and form part of the consolidated fund of the United Kingdom (l).

Unclaimed wreck to be sold.

Jurisdiction of the High Court of Admiralty.

476. Subject to the provisions of this act, the High Court of Admiralty shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed upon the high seas, or within the body of any county, or partly in one place and partly in the other, and whether the wreck is found at sea or cast upon the land, or partly in the sea and partly on land (m).

Jurisdiction of the High Court of Admiralty.

High Court of Admiralty may decide on all salvage cases, whether on sea or land.

Offences in respect of Wreck.

477. Whenever any ship or boat is stranded or otherwise in distress on or near the shore of any sea or tidal water in the United Kingdom, and such ship or boat, or any part of the cargo, or apparel thereof, is plundered, damaged or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, full compensation shall be made to the owner of such ship, boat, cargo, or apparel, as follows; (that is to say,)

In England by the inhabitants of the hundred, wapentake, ward, or district in the nature of a hundred, by whatever name denominated, in or nearest to which the said offence is committed, in manner provided by an act of the eighth year of the reign of King George the Fourth, chapter thirty-one, in case of the destruction of churches and other buildings by a riotous assemblage, or as near thereto as circumstances permit:

In Ireland by the inhabitants of the county, county of a city or town, barony, town or towns, parish or parishes, in or nearest to which such offence is committed, in manner provided by an act of the fourth year of the reign of King William the Fourth, chapter thirty-seven, for the recovery of satisfaction and amends for the malicious demolition of or injury to churches, chapels, and other buildings used for religious worship, according to the usage of the united church of England and Ireland, or as near thereto as circumstances permit:

In Scotland, by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by an act of the first year of King George the First, statute two, chapter

Offences in respect of Wreck.

In case of ship wrecked being plundered by a tumultuous assemblage, the hundred to be liable for damages.

7 & 8 G. 4, c. 31.

3 & 4 W. 4, c. 37, s. 72.

1 G. 1, st. 2, c. 5.

(l) See the M. S. Act, 1862, s. 53.

1861 (24 Vict. c. 10), s. 9, and the

(m) See the Admiralty Court Act, M. S. Act, 1862, s. 59.

five, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit:

Penalty for plundering in cases of shipwreck, for obstructing the saving of shipwrecked property, and for secreting the same.

478. Every person who does any of the following acts; (that is to say,)

- (1.) Wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof, or any wreck; or
- (2.) Endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel or wreck; or
- (3.) Secretes any wreck, or obliterates or defaces any marks thereon:

Shall, in addition to any other penalty or punishment he may be subject to under this or any other act or law, for each such offence incur a penalty not exceeding fifty pounds; and every person, not being a receiver or a person hereinbefore authorized to take the command in cases of ships being stranded or in distress, or not acting under the orders of such receiver or person, who, without the leave of the master, endeavours to board any such ship or boat as aforesaid, shall for each offence incur a penalty not exceeding fifty pounds; and it shall be lawful for the master of such ship or boat to repel by force any such person so attempting to board the same (a).

Penalty for selling wreck in foreign ports.

479. If any person takes into any foreign port or place any ship or boat stranded, derelict, or otherwise in distress on or near the shore of the sea or of any tidal water situate within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sell the same, he shall be guilty of felony, and be subject to penal servitude for a term not exceeding four years.

Dealers in Marine Stores and Manufacturers of Anchors.

Regulations to be observed by dealers in marine stores.

Dealers in Marine Stores and Manufacturers of Anchors.

480. Every person dealing in, buying and selling anchors, cables, sails, or old junk, old iron or marine stores of any description, shall conform to the following regulations; (that is to say,)

- (1.) He shall have his name, together with the words "Dealer in marine stores," painted distinctly in letters of not less than six inches in length on every warehouse or other place of deposit belonging to him;

If he does not he shall incur a penalty not exceeding twenty pounds:

- (2.) He shall keep a book or books, fairly written, and shall enter therein an account of all such marine stores as he may from time to time become possessed of, stating, in respect of each article, the time at which and the person from whom he purchased or received the same, adding, in the case of every such last-mentioned person, a description of his business and place of abode;

If he does not he shall incur for the first offence a penalty not exceeding twenty pounds, and for every subsequent offence a penalty not exceeding fifty pounds:

- (3.) He shall not, by himself or his agents, purchase marine stores of any description from any person apparently under the age of sixteen years;

If he does so he shall incur for the first offence a penalty not exceeding five pounds, and for every subsequent offence a penalty not exceeding twenty pounds:

- (4.) He shall not cut up any cable, or any similar article, exceeding five fathoms in length, or unlay the same into twine or paper stuff,

(a) See the 24 & 25 Vict. c. 96, ss. 65, 66, and the 24 & 25 Vict. c. 100, ss. 17, 37.

on any pretence whatever, without obtaining such permit and publishing such notice of his having so obtained the same as is hereinafter mentioned ;

If he does so he shall incur for the first offence a penalty not exceeding twenty pounds, and for every subsequent offence a penalty not exceeding fifty pounds (c).

481. In order to obtain such permit as aforesaid a dealer in marine stores shall make a declaration before some justice of the peace having jurisdiction over the place where such dealer resides containing the following particulars ; (that is to say,)

Manner of obtaining permit to cut up cables.

- (1.) A statement of the quality and description of the cable or other like article about to be cut up or unlayd :
- (2.) A statement that he purchased or otherwise acquired the same *bond fide* and without fraud, and without any knowledge or suspicion that the same had been come by dishonestly :
- (3.) A statement of the name and description of the person from whom he purchased or received the same :

And it shall be lawful for the justice before whom any such declaration is made, or for the receiver of the district in which such dealer in marine stores resides, upon the production of any such declaration as aforesaid, to grant a permit authorizing him to cut up or unlay such cable or other like article.

482. No dealer in marine stores who has obtained such permit as aforesaid shall proceed by virtue thereof to cut up or unlay any cable or other like article until he has for the space of one week at the least before doing any such act published in some newspaper published nearest to the place where he resides one or more advertisements notifying the fact of his having so obtained a permit, and specifying the nature of the cable or other article mentioned in the permit, and the place where the same is deposited, and the time at which the same is intended to be so cut up or unlayd ; and if any person suspects or believes that such cable or other article is his property, he may apply to any justice of the peace for a warrant ; and such justice of the peace may, on the applicant making oath, or, if a person entitled to make an affirmation, making an affirmation in support of such his suspicion or belief, grant a warrant by virtue whereof the applicant shall be entitled to require the production by such dealer as aforesaid of the cable or other article mentioned in the permit, and also of the book of entries hereinbefore directed to be kept by every dealer in marine stores ; and, upon such cable or other article and book of entries being produced, to inspect and examine the same ; and if any dealer in marine stores makes default in complying with any of the provisions of this section, he shall for the first offence incur a penalty not exceeding twenty pounds, and for every subsequent offence a penalty not exceeding fifty pounds.

Permit to be advertized before dealer proceeds to act thereon.

483. Every manufacturer of anchors shall, in case of each anchor which he manufactures, mark in legible characters on the crown and also on the shank under the stock his name or initials, with the addition of a progressive number and the weight of such anchor ; and if he makes default in doing so he shall for each offence incur a penalty not exceeding five pounds.

Manufacturers to place marks on anchors.

Salvage by Her Majesty's Ships.

Salvage by H. M. Ships.

484. In cases where salvage services are rendered by any ship belonging to her Majesty or by the commander or crew thereof, no claim shall be made or allowed for any loss, damage, or risk thereby caused to such ship, or to the stores, tackle, or furniture thereof, or for the use of any stores or other articles belonging to her Majesty supplied in order to

No claim for salvage services to be allowed in respect of loss or risk of her Majesty's ships or property.

(c) See the Public Stores Act, 1875 (38 & 39 Vict. c. 25).

effect such services, or for any other expense or loss sustained by her Majesty by reason of such services (p).

Claims for salvage by her Majesty's officers not to be determined without consent of Admiralty.

485. No claim whatever on account of any salvage services rendered to any ship or cargo or to any appurtenances of any ship by the commander or crew or part of the crew of any of her Majesty's ships shall be finally adjudicated upon unless the consent of the Admiralty (q) has first been obtained, such consent to be signified by writing under the hand of the secretary to the Admiralty; and if any person who has originated proceedings in respect of any such claim fails to prove such consent to the satisfaction of the Court, his suit shall stand dismissed and he shall pay all the costs of such proceedings (r); provided that any document purporting to give such consent and to be signed by the secretary to the Admiralty shall be *prima facie* evidence of such consent having been given.

Steps to be taken when salvage services have been rendered by her Majesty's ships abroad.

486. Whenever services for which salvage is claimed are rendered to any ship or cargo, or to any part of any ship or cargo, or to any appurtenances of any ship, at any place out of the United Kingdom and the four seas adjoining thereto, by the commander or crew or part of the crew of any of her Majesty's ships, the property alleged to be salvaged shall, if the salvor is justified by the circumstances of the case in detaining it at all, be taken to some port where there is either a consular officer or a Vice-Admiralty Court; and within twenty-four hours after arriving at such port the said salvor and the master or other person in charge of the property alleged to be salvaged shall each deliver to the consular officer or Vice-Admiralty Judge there a statement verified on oath, specifying, so far as they respectively can, and so far as the particulars required apply to the case,

- (1.) The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed:
 - (2.) The nature and duration of the services rendered:
- And the salvor shall add to his statement,
- (3.) The proportion of the value of the said ship, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:
 - (4.) Any other circumstances he thinks relevant to the said claim:
- And the said master or other person in charge of the said ship, cargo, or property shall add to his statement,
- (3.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:
 - (4.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage she is then on:
 - (5.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:
 - (6.) The name and place of business or residence of the owner of such cargo and of the consignee thereof:
 - (7.) The values at which the said master estimates the said ship, cargo, and property, and the freight respectively, or, if he thinks fit, in

(p) See *The Cargo ex Woosung*, 1 P. D. 260, and *The Cybele*, 3 P. D. 8.

(q) See *The Alma*, Lush. 378.

(r) See Rules of the Supreme Court, Order LV.

lieu of such estimated value of the cargo, a copy of the ship's manifest:

- (8.) The amounts which the master thinks should be paid as salvage for the services rendered:
- (9.) An accurate list of the property saved in cases where the ship is not saved:
- (10.) An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid:
- (11.) The number, capacities, and condition of the crew of the said ship at the time the said services were rendered:
- (12.) Any other circumstances he thinks relevant to the matters in question:
- (13.) A statement of his willingness to execute a bond, in the form in the table marked W. in the schedule hereto, in such amount as the said consular officer or Vice-Admiralty Judge may fix.

487. The said consular officer or judge, as the case may be, shall within four days after receiving the aforesaid statements fix the amount to be inserted in the said bond at such sum as he thinks sufficient to answer the demand for the salvage services rendered; but such sum shall not exceed one half of the value which in his estimation the said ship, freight, and cargo, or any parts thereof in respect of which salvage is claimed, are worth; and the said consular officer or judge may, if either of the aforesaid statements is not delivered to him within the time hereby required, proceed *ex parte*, but he shall in no case under this act require the cargo to be unladen; and the said consular officer may in any proceeding under this act relating to salvage take affidavits and receive affirmations.

Consular officer or judge to fix amount for which a bond is to be given.

488. The said consular officer or judge shall send notice of the sum which he has so fixed as aforesaid to the said salvor and the said master; and upon such master executing a bond in such form as aforesaid, with the said sum inserted therein, in the presence of the said officer or judge (who shall attest the same), and delivering the same to the said salvor, the right of the said salvor to detain or retain possession of the said ship, cargo, or property, or any of them in respect of the said salvage claim, shall cease.

On master executing bond, the right of detention to cease.

489. If the ship, cargo, or property in respect of which the claim for salvage is made is not owned by persons domiciled in her Majesty's dominions, the right of the salvor to detain or retain possession thereof shall not cease unless the master procures, in addition to the said bond, such security for the due performance of the conditions thereof as the said officer or judge considers sufficient for the purpose, and places the same in the possession or custody of the said officer or judge, or, if the salvor so desires, in the possession or custody of the said officer or judge jointly with any other person whom the said salvor appoints for the purpose.

Provision for additional security in the case of ships owned by persons resident out of her Majesty's dominions.

490. The said consular officer or judge shall at the earliest opportunity transmit the said statements and documents so sent to him as aforesaid, and a notice of the sum he has so fixed as aforesaid, to the High Court of Admiralty of England, or if the said salvor and the said master or other person in charge as aforesaid agree that the said bond shall be adjudicated upon by any Vice-Admiralty Court, to such Court.

Documents to be sent to England.

491. The said bond shall bind the respective owners of the said ship, freight, and cargo, and their respective heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the said ship, freight, and cargo respectively.

Whom the bond shall bind.

Court in which it is to be adjudicated on.

492. The said bond shall be adjudicated on and enforced by the High Court of Admiralty in England, or if the said salvor and master at the time of the execution of the said bond agree upon any Vice-Admiralty Court, then by such Vice-Admiralty Court; and any such Vice-Admiralty Court may in every proceeding under this act have and exercise all powers and authorities whatsoever which the said High Court of Admiralty now has or at any time may have in any proceeding whatsoever before it; and in cases where any security for the due performance of the conditions of the said bond has been placed in the possession or custody of the said consular officer or Vice-Admiralty Judge, or of such officer or judge jointly with any other person, the person or persons having the custody of such security shall respectively deal with the same in such manner as the Court that adjudicates on the bond directs.

Power of High Court of Admiralty to enforce bonds.

493. The said High Court of Admiralty shall have power to enforce any bond given in pursuance of this act in any Vice-Admiralty Court in any part of her Majesty's dominions; and all Courts in Scotland, Ireland, and the islands of Jersey, Guernsey, Alderney, Sark, and Man exercising Admiralty jurisdiction shall, upon application, aid and assist the High Court of Admiralty in enforcing the said bonds.

Saving clause.

494. Any such salvor as aforesaid of any ship, cargo, or property who elects not to proceed under this act shall have no power to detain the said ship, cargo, or property, but may proceed otherwise for the enforcement of his salvage claim as if this act had not been passed; and nothing in this act contained shall abridge or affect the rights of salvors, except in the cases by it provided for.

Documents free from duty.

495. All bonds, statements, agreements, and other documents made or executed in pursuance of the eighth part of this act shall, if so made or executed out of the United Kingdom, be exempt from stamp duty.

Punishment for forgery and false representations.

496. Every person who in any proceeding under provisions contained in the eighth part of this act relating to salvage by her Majesty's ships, forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, and every person who in any such proceeding puts off or makes use of any such forged or altered document, knowing the same to be so forged or altered, or who in any such proceeding gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with imprisonment, with or without hard labour, for any period not exceeding two years, or, if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Salvage (General).

Voluntary agreement may be made which shall have the same effect as the bond above mentioned.

Salvage, General.

497. Whenever services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of her Majesty's ships, or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be saved, upon the master or other person in charge thereof entering into a written agreement attested by two witnesses to abide the decision of the said High Court of Admiralty, or of any Vice-Admiralty Court, and thereby giving security in that behalf to such amount as may be agreed on by the parties to the said agreement, such agreement shall bind the said ship and the said cargo, and the freight payable therefor respectively, and the respective owners of the said ship, freight, and cargo for the time being, and their respective heirs, executors, and administrators, for the salvage

which may be adjudged to be payable in respect of the said ship, cargo, and freight respectively to the extent of the security so given as aforesaid, and may be adjudicated upon and enforced in the same manner as the bonds provided for by the eighth part of this act, in the case of detention for salvage services rendered by her Majesty's ships; and upon such agreement being made the salvor and the master or other person in charge as aforesaid shall respectively make such statements as are hereinbefore required to be made by them in case of a bond being given, except that such statements need not be made upon oath; and the salvor shall, as soon as practicable, transmit the said agreement and the said statements to the Court in which the said agreement is to be adjudicated upon.

498. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever such amount may be, then if any delay or dispute arises as to the apportionment thereof, any Court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just; and may for that purpose, if it thinks fit, appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into Court, to be there dealt with as the Court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit (r).

Powers for Courts having Admiralty jurisdiction to apportion salvage.

Miscellaneous.

499. All wreck, being foreign goods brought or coming into the United Kingdom or the Isle of Man, shall be subject to the same duties as if the same were imported into the United Kingdom or the Isle of Man respectively; and if any question arises as to the origin of such goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may upon investigation determine (s).

Miscellaneous.

Foreign goods found derelict to be subject to the same duties as on importation.

500. The Commissioners of Customs and Excise shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to the port at which the same were shipped; but such commissioners are to take security for the due protection of the revenue in respect of such goods, wares, and merchandise.

Goods saved from ships wrecked to be forwarded to the ports of their original destination.

501. All matters and things that may in pursuance of the eighth part of this act be done by or to any justice, or any two justices, may in Scotland be done also by or to the sheriff of the county, including the sheriff substitute; and the expression "lord or lady of a manor" shall in the eighth part of this act, so far as regards Scotland, include "heritable proprietor duly infeft."

Provision as to certain terms in Scotland.

PART IX.

LIABILITY OF SHIPOWNERS.

Application.

502. The ninth part of this act shall apply to the whole of her Majesty's dominions.

Application.

Application of Part IX. of Act.

(r) See *The Enchantress*, Lush. 93.

(s) See the 39 & 40 Vict. c. 35, s. 1, and Sched.

Limitation of Liability.

Owner not liable in respect of certain articles.

See Act of 1862, s. 2. 1862, 743

503. No owner of any sea-going ship or share therein shall be liable to make good any loss or damage that may happen without his actual fault or privity of or to any of the following things; (that is to say,)

- (1.) Of or to any goods, merchandise, or other things whatsoever taken in or put on board any such ship, by reason of any fire happening on board such ship:
- (2.) Of or to any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board any such ship, by reason of any robbery, embezzlement, making away with or secreting thereof, unless the owner or shipper thereof has, at the time of shipping the same, inserted in his bills of lading or otherwise declared in writing to the master or owner of such ship the true nature and value of such articles,

To any extent whatever (t).

Measure of owner's liability.

504. No owner of any sea-going ship or share therein shall, in cases where all or any of the following events occur without his actual fault or privity; (that is to say,)

- (1.) Where any loss of life or personal injury is caused to any person being carried in such ship:
- (2.) Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship:
- (3.) Where any loss of life or personal injury is by reason of the improper navigation of such sea-going ship as aforesaid caused to any person carried in any other ship or boat:
- (4.) Where any loss or damage is by reason of any such improper navigation of such sea-going ship as aforesaid caused to any other ship or boat, or to any goods, merchandise, or other things whatsoever, on board any other ship or boat:

Be answerable in damages to an extent beyond the value of his ship and the freight due or to grow due in respect of such ship during the voyage which at the time of the happening of any such events as aforesaid is in prosecution or contracted for, subject to the following proviso, (that is to say,) that in no case where any such liability as aforesaid is incurred in respect of loss of life or personal injury to any passenger, shall the value of any such ship and the freight thereof be taken to be less than fifteen pounds per registered ton (u).

Value of carriage of goods and passage money to be considered as freight.

505. For the purposes of the ninth part of this act, the freight shall be deemed to include the value of the carriage of any goods or merchandise belonging to the owners of the ship, passage money, and also the hire due or to grow due under or by virtue of any contract, except only such hire, in the case of a ship hired for time, as may not begin to be earned until the expiration of six months after such loss or damage (v).

Provision for separate losses.

506. The owner of every sea-going ship or share therein shall be liable in respect of every such loss of life, personal injury, loss of or damage to goods as aforesaid arising on distinct occasions to the same extent as if no other loss, injury, or damage had arisen (x).

Mode of Procedure.

In case of loss of life or personal injury, Board of Trade may direct proceedings.

Mode of procedure.

507. Whenever any such liability as aforesaid has been or is alleged to have been incurred in respect of loss of life or personal injury, the Board of Trade may, in its discretion, after giving not less than three

(t) See *Williams v. African Steamship Company*, 1 H. & N. 300.

(u) This section is repealed by the M. S. A. Act, 1862, s. 2. See also the M. S. Act, 1862, ss. 54, 55, 60.

(v) This section is repealed by the M. S. Act, 1862, s. 2.

(x) See *The Rajah*, L. R., 3 A. & E. 539, and the M. S. Act, 1862, s. 56.

days' notice by post or otherwise to the party to be made defendant or defender, by warrant sealed with the seal of such Board or signed by one of its secretaries or assistant secretaries, require the sheriff having jurisdiction over any place in the United Kingdom to summon a jury at a time and place to be specified in such warrant for the purpose of determining the following question; (that is to say,)

The number, names, and descriptions of all persons killed or injured by reason of any wrongful act, neglect, or default:

And upon the receipt of such warrant the sheriff shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior Courts, to meet at such time and place as aforesaid (y).

508. If either party to the inquiry desire any such question as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, is given to the Board of Trade before it has issued its warrant to the sheriff; and for that purpose the Board of Trade shall, by its warrant to the sheriff, require him to nominate a special jury for such trial; and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him by themselves or their attorneys or agents at some convenient time and place appointed by him for the purpose of nominating a special jury; and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury in the manner in which such juries are required by the laws for the time being in force to be nominated or struck by the proper officers of the superior Courts; and the sheriff shall appoint a day, and shall on the day so appointed proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officers of the superior Courts.

Either party may require question to be tried by a special jury.

509. The following provisions shall be applicable to the conduct of proceedings by the Board of Trade; (that is to say,)

Provisions for conduct of proceedings.

- (1.) The sheriff shall preside at such inquiry; and the Board of Trade shall be deemed in England and Ireland to be the plaintiff, and in Scotland the pursuer, both of which terms are hereinafter included in the term plaintiff, with power to appoint any agent to act on its behalf, and shall have all such rights and privileges as the plaintiff is entitled to in actions at law; and the owner or owners of the ship or ships by whom such liability as last aforesaid is alleged to have been incurred shall be deemed in England and Ireland to be the defendant, and in Scotland the defender, both of which terms are hereinafter included in the term defendant:
- (2.) Not less than ten days' notice of the time and place of the inquiry shall be served by the Board of Trade on the defendant:
- (3.) Service on the master of any ship shall be deemed good service on the owner thereof, and the master shall, in respect of the proceedings on such inquiry, be deemed the agent and representative of the owner, with power to appear for him on such inquiry, and to do all matters and things which he might himself have done:
- (4.) If the defendant does not appear at the time of such inquiry, the same shall be proceeded with as if he had appeared, upon due proof of service of notice having been made on him in pursuance of this act:
- (5.) The empannelling of the jury and the summoning and attendance of witnesses shall be conducted and enforced in England and Ireland in manner provided by the Lands Clauses Consolidation Act, 1845, in cases of disputed compensation as to land, and in Scotland in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in like cases, or as near thereto as circumstances permit;

(y) It is believed that the provisions contained in this and the four following sections have seldom or ever been acted upon.

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and all provisions in the said acts having reference to cases where any question of disputed compensation requires to be determined by the verdict of a jury shall, with the requisite alterations, be considered as incorporated with this act, and to have reference to cases where the question of the liability of any owner in respect of any such accident as aforesaid requires to be determined by the verdict of a jury:

- (6.) In England and Ireland the sheriff shall, if the Board of Trade so requires, or if the defendant so requires and the Board of Trade consents thereto, appoint as assessor a barrister at law of competent knowledge and standing:
- (7.) The costs incurred by all parties in and incidental to any such inquiry as aforesaid shall in England and Ireland be taxed by the master of one of her Majesty's superior Courts of Common Law as between attorney and client, and in Scotland by the auditor of the Court of Session as between agent and client; and shall, if the verdict in any inquiry is in favour of the plaintiff, be paid by the defendant, but if such verdict is in favour of the defendant, be paid by the Board of Trade out of the Mercantile Marine Fund:
- (8.) The payment of all damages and costs in any such inquiry as aforesaid shall, upon application made to such superior Court as aforesaid by the party entitled thereto, be enforced by rule or order of such Court or a judge thereof, or otherwise as such Court or judge thinks fit:
- (9.) The Board of Trade may make any compromise it thinks fit as to the damages payable in respect of personal injury, or of the death of any person; and any damages received in pursuance of such compromise shall, so far as the same extend, be applied in the same manner and be subject to the same rules as if the same were damages recovered on an inquiry instituted by the Board of Trade.

Rules as to
damages and
application
thereof.

510. The following rules shall be observed as to the damages recovered in any such inquiry, and the application thereof; (that is to say,)

- (1.) The damages payable in each case of death or injury shall be assessed at thirty pounds (z):
- (2.) The damages found due on any such inquiry as aforesaid shall be the first charge on the aggregate amount for which the owner is liable, and shall be paid thereout in priority to all other claims:
- (3.) All such damages as aforesaid shall be paid to her Majesty's Paymaster-General, and shall be distributed and dealt with by him in such manner as the Board of Trade directs; and in directing such distribution the Board of Trade shall have power in the first place to deduct and retain any costs incidental thereto; and in the next place, as regards the sums paid in respect of injuries, shall direct payment to each person injured of such compensation, not exceeding in any case the statutory amount, as the said Board thinks fit; and as regards the sums paid in respect of deaths shall direct payment thereof for the benefit of the husband, wife, parent, and child of the deceased, or any of them, in such shares, upon such evidence, and in such manner as the said Board thinks fit:
- (4.) The Board of Trade shall refund to the owner any surplus remaining under its control after making such distribution as aforesaid, and the sum so refunded shall form part of the residue hereinafter mentioned:
- (5.) The Board of Trade shall not, nor shall any person acting under it, be liable to any action, suit, account, claim, or demand whatsoever for or in respect of any act or matter done, or omitted to be done, in the distribution of such damages as aforesaid:
- (6.) If the amount paid to her Majesty's Paymaster-General in manner

(z) See *Glahelm v. Barker*, L. R., 1 Ch. 223.

aforesaid is insufficient to meet the demands upon it, the several claims thereon shall abate proportionally.

511. After the completion of such inquiry as aforesaid, if any person injured estimates the damages payable in respect of such injury, or if the executor or administrator of any deceased person estimates the damages payable in respect of his death, at a greater sum than such statutory amount, or, in case of a compromise having been made by the Board of Trade, than the amount accepted by such Board by way of compensation for such injury or death as aforesaid, the person so estimating the same shall, upon repaying or obtaining the repayment by the Board of Trade to the owner of the amount paid by him to the Board of Trade in respect of such injury or death, be at liberty to bring an action for the recovery of damages in the same manner as if no power of instituting an inquiry had hereinbefore been given to the Board of Trade, subject to the following proviso; (that is to say,) that any damages recoverable by such person shall be payable only out of the residue, if any, of the aggregate amount for which the owner is liable, after deducting all sums paid to her Majesty's Paymaster-General in manner aforesaid; and if the damages recovered in such action do not exceed double the statutory amount, such person shall pay to the defendant in such action all the costs thereof, such costs to be taxed in England and Ireland as between attorney and client, and in Scotland as between agent and client.

Any person who is dissatisfied with the amount of statutory damage may bring an action on his own account.

512. In cases where loss of life or personal injury has occurred by any accident in respect of which the owner of any such ship as aforesaid is or is alleged to be liable in damages, no person shall be entitled to bring any action, or institute any suit or other legal proceeding in the United Kingdom, until the completion of the inquiry (if any) instituted by the Board of Trade, or until the Board of Trade has refused to institute the same; and the Board of Trade shall, for the purpose of entitling any person to bring an action or institute a suit or other legal proceeding, be deemed to have refused to institute such inquiry whenever notice has been served on it by any person of his desire to bring such action or institute such suit or other legal proceeding, and no inquiry is instituted by the Board of Trade in respect of the subject-matter of such intended action, suit, or proceeding for the space of one month after the service of such notice.

If Board of Trade decline to institute proceedings, individuals may bring actions.

513. Whenever the Board of Trade, having refused in manner aforesaid to institute any inquiry, afterwards determines to institute the same, the damages and costs (if any) recovered on such inquiry shall be payable rateably with and not in priority to the costs and damages recovered in any other action, suit, or legal proceeding.

Proceedings by Board of Trade after refusal.

514. In cases where any liability has been or is alleged to have been incurred by any owner in respect of loss of life, personal injury, or loss of or damage to ships, boats, or goods, and several claims are made or apprehended in respect of such liability, then, subject to the right hereinbefore given to the Board of Trade of recovering damages in the United Kingdom in respect of loss of life or personal injury, it shall be lawful in England or Ireland for the High Court of Chancery, and in Scotland for the Court of Session, and in any British possession for any competent Court to entertain proceedings at the suit of any owner for the purpose of determining the amount of such liability subject as aforesaid, and for the distribution of such amount rateably amongst the several claimants (a), with power for any such Court to stop all actions and suits pending (b) in any other Court in relation to the same subject-matter; and any proceeding entertained by such Court of Chancery or Court of Session, or other competent Court, may be conducted in such manner and subject to such regulations as to making

Proceedings in case of several claims being made on owner of ship.

(a) *Hill v. Audus*, 24 L. J., Chanc. 229.

(b) *Leycester v. Logan*, 26 L. J., Chanc. 306.

any persons interested parties to the same, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of costs, as the Court thinks just (c).

Money paid for damage, how to be accounted for between part owners.

515. All sums of money paid for or on account of any loss or damage in respect whereof the liability of the owners of any ship is limited by the ninth part of this act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

Saving Clause.

Saving Clause.

Saving clause.

516. Nothing in the ninth part of this act contained shall be construed—
To lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman; or
To extend to any British ship not being a recognized British ship within the meaning of this act (d).

PART X.

LEGAL PROCEDURE.

Application.

Application.

Application of Part X. of the Act.

517. The tenth part of this act shall in all cases, where no particular country is mentioned, apply to the whole of her Majesty's dominions.

Legal Procedure (General).

Legal Procedure (General).

Punishment of offences, and recovery of penalties.

518. In all places within her Majesty's dominions, except Scotland, the offences hereinafter mentioned shall be punished and penalties recovered in manner following; (that is to say,)

- (1.) Every offence by this act declared to be a misdemeanor shall be punishable by fine or imprisonment, with or without hard labour; and the Court before which such offence is tried may in England make the same allowances and order payment of the same costs and expenses as if such misdemeanor had been enumerated in the act passed in the seventh year of his late Majesty King George the Fourth, chapter sixty-four, or any other act that may be passed for the like purpose; and may in any other part of her Majesty's dominions make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanor under any existing act or ordinance, or as may be payable or allowable under any act or law for the time being in force therein:
- (2.) Every offence declared by this act to be a misdemeanor shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted accordingly in a summary manner instead of being prosecuted as a misdemeanor:
- (3.) Every offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, shall in England and Ireland be prosecuted summarily before any two or more justices, as to England in the manner directed by the act of the eleventh and twelfth years of the reign of her Majesty Queen

7 G. 4, c. 64.

(c) See the Common Law Procedure Amendment Act (Ireland) 1856 (19 & 20 Vict. c. 102), s. 91; the Common Law Procedure Act, 1860 (23 & 24 Vict. c. 126), s. 35; the Admiralty

Court Act, 1861 (24 Vict. c. 10), s. 13; and the Court of Admiralty (Ireland) Act, 1867 (30 & 31 Vict. c. 114), s. 36.

(d) See *The Andalusian*, 3 P. D.

Victoria, chapter forty-three (e), and as to Ireland in the manner directed by the act of the fourteenth and fifteenth years of the reign of her Majesty Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any act or acts that may be passed for like purposes: and all provisions contained in the said acts shall be applicable to such prosecutions in the same manner as if the offences in respect of which the same are instituted were hereby stated to be offences in respect of which two or more justices have power to convict summarily or to make a summary order (f):

- (4.) In all cases of summary convictions in England, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by such conviction may appeal to the next Court of General or Quarter Sessions which is holden not less than twelve days after the day of such conviction for the county, city, borough, liberty, riding, division, or place wherein the case has been tried; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such Sessions, and shall also either remain in custody until the Sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said Sessions, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person, if in custody; and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as may be awarded, and shall, if necessary, issue process for enforcing such judgment:
- (5.) All offences under this act shall in any British possession be punishable in any Court or by any justice of the peace or magistrate in which or by whom offences of a like character are ordinarily punishable, or in such other manner, or by such other Courts, justices, or magistrates, as may from time to time be determined by any act or ordinance duly made in such possession, in such manner as acts and ordinances in such possession are required to be made in order to have the force of law.

519. Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this act authorized to do (g).

520. For the purpose of giving jurisdiction under this act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

521. In all cases where any district within which any Court or justice of the peace or other magistrate has jurisdiction either under this act or under any other act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel,

Stipendiary magistrate to have same power as two justices.

Offence where deemed to have been committed.

Jurisdiction over ships lying off the coasts.

(e) But see the M. S. Act, 1862, s. 65.

(f) See the M. S. Act, 1855, s. 18.

(g) See the M. S. Act, 1867, s. 12.

lake, river, or other navigable water, every such Court, justice of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such Court, justice or magistrate (h).

Service to be good if made personally, or on board ship.

522. Service of any summons or other matter in any legal proceeding under this act shall be good service, if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong, with the person being or appearing to be in command or charge of such ship.

Sums ordered to be paid leviable by distress on ship.

523. In all cases where any Court, justice or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court, justice or justices, or other magistrate who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or pawning and sale of the said ship, her tackle, furniture, and apparel.

Application of penalties.

524. Any Court, justice or magistrate imposing any penalty under this act, for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

Limitation of time in summary proceedings.

525. The time for instituting summary proceedings under this act shall be limited as follows; (that is to say,)

- (1.) No conviction for any offence shall be made under this act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to such proceeding (i) happen during such time to be out of the United Kingdom, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same;
- (2.) No conviction for any offence shall be made under this act in any proceeding instituted in any British possession, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any Court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction;
- (3.) No order for the payment of money shall be made under this act in any summary proceeding instituted in the United Kingdom unless

(h) See the M. S. Act, 1855, s. 21; the M. S. Act, 1867, s. 11; and the Territorial Waters Jurisdiction Act,

1877 (41 & 42 Vict. c. 73).

(i) See *Austin v. Olsen*, L. R., 3 Q. B. 208.

such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same:

- (4.) No order for the payment of money shall be made under this act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any Court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or to be at one time within such jurisdiction:

And no provision contained in any other act or acts, ordinance or ordinances, for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this act.

526. Any document required by this act to be executed in the presence of or to be attested by any witness or witnesses, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

Document proved without calling attesting witness.

527. Whenever any injury has, in any part of the world, been caused to any property belonging to her Majesty or to any of her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, it shall be lawful for the judge of any Court of Record in the United Kingdom, or for the judge of the High Court of Admiralty (*j*), or in Scotland the Court of Session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge, requiring him to detain (*k*) such ship until such time as the owner, master or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain such ship accordingly.

Power of judge of Court of Record or Admiralty to arrest foreign ship that has occasioned damage.

528. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for any commissioned officer on full pay in the military or naval service of her Majesty, or any British officer of customs, or any British consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

Power in certain cases to detain ship before application made to judge.

529. In any action, suit or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Who to be defendant to suit in such cases.

(*j*) See *The Bilbao*, Lush. 149, and Vict. c. 10), s. 7.
the Admiralty Court Act, 1861 (24 (k) See the M. S. Act, 1876, s. 34.

*Legal
Procedure
(Scotland).*

Legal Procedure (Scotland).

Offences
punishable as
misdemeanors.

530. In Scotland, every offence which by this act is described as a felony or misdemeanor may be prosecuted by indictment or criminal letters at the instance of her Majesty's advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour in default of payment, or with imprisonment with or without hard labour, or with both, as the Court may think fit, or in the case of felony with penal servitude, where the Court is competent thereto; and such Court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

Summary
proceedings.

531. In Scotland, all prosecutions, complaints, actions, or proceedings under this act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature, or for penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the Court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

Form of com-
plaint.

532. In Scotland, all prosecutions, complaints, actions, or other proceedings under this act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action, and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

Mode of re-
quiring ap-
pearance of
defender and
witnesses.

533. In Scotland, on any complaint or other proceeding brought in a summary form under this act being presented to the sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said sheriff or justices of the peace on a day fixed, and at the same time shall appoint a copy of the same to be delivered to him by a sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compare at the same time and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding, the deliverance of the sheriff clerk or clerk of the peace shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorized by this act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices, or the sheriff who may have jurisdiction in the place, to be dealt with as this act directs, and no citation or induciæ shall in such case be necessary.

Backing
arrestments.

534. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the

sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

535. In all proceedings under this act in Scotland the sheriff or justices of the peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction. Compelling attendance of witnesses.

536. The whole procedure in cases brought in a summary form before the sheriff or justices of the peace in Scotland shall be conducted *viâ voce*, without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings, other than the complaint, and the sentence or decree pronounced thereon. Proceedings to be *viâ voce*.

537. It shall be in the power of the sheriff or justices of the peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary. Power to adjourn.

538. In Scotland, all sentences and decrees to be pronounced by the sheriff or justices of the peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, pouding, and imprisonment in default of payment, such arrestment, pouding, or imprisonment to be carried into effect by sheriffs' officers or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction in the sheriff or justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an act of the fifth and sixth years of William the Fourth, intituled "An Act for abolishing, in Scotland, Imprisonment for Civil Debts of Small Amount." Sentence to be in writing.
Imprisonment to be inflicted in default of payment.
5 & 6 W. 4, c. 70.

539. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the Court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of Court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the Court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of Court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the Court, or on any day to which the Court shall then adjourn it. Sentence and penalties in default of defender's appearance.

540. In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being duly cited, shall fail to appear, the sheriff or justices may grant warrant to apprehend and bring him before the Court. Warrant to apprehend in default of appearance.

541. In all cases where sentences or decrees of the sheriff or justices require to be enforced within Scotland, but beyond the jurisdiction of the sheriff or justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place. Backing sentences or decrees.

Orders not to be quashed for want of form; and to be final.

542. No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocacy, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, advocacy, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided always, that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

543. Such of the general provisions with respect to jurisdiction, procedure and penalties contained in this act as are not inconsistent with the special rules hereinbefore laid down for the conduct of legal proceedings and the recovery of penalties in Scotland, shall, so far as the same are applicable, extend to such last-mentioned proceedings and penalties: Provided always, that nothing in this act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court of Admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

PART XI.

MISCELLANEOUS.

Miscellaneous.

Contracts may be made with natives in India, under certain conditions, binding them to go to Australia, and thence to serve in other ships to the United Kingdom.

544. It shall be lawful for any master or owner of a ship, or his agent, to enter into contracts with Lascars or natives of the territories of the East India Company, binding them to proceed to any port or ports in the Australian colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of her Majesty's dominions; provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the Governor-General of India in council, or the governors of the respective presidencies in which the contract is made, in council, may direct; and if any Lascar or other person who has bound himself by any such contract is, on arriving in any of the said colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of her Majesty's dominions, and if it is certified by some officer appointed for that purpose by the governor of the said colony that such agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such Lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such Lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and if he refuses to enter into such agreement he shall, notwithstanding such refusal, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same; and for every Lascar or other person in respect of whom such certificate is applied for, the person

applying for the same shall pay to such officer as aforesaid such fee as the governor of the colony may appoint (l).

545. Nothing in this act contained shall be taken to repeal or alter any of the provisions of the "Passengers Act, 1852" (m), or of the act of the seventeenth year of her present Majesty, chapter eighty-four.

Act not to affect Passenger Acts, 15 & 16 Vict. c. 44; 16 & 17 Vict. c. 84.

546. The municipal corporation of any borough, being a seaport in the United Kingdom, and any body corporate, association, or trustees in any such seaport, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of her Majesty's Secretary of State for the Home Department, appropriate any lands vested in them or in trustees for them as a site or sites for a sailors' home or sailors' homes, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

Corporations, &c., may grant site for sailors' homes.

547. The legislative authority of any British possession shall have power, by any act or ordinance, confirmed by her Majesty in council, to repeal, wholly or in part, any provisions of this act relating to ships registered in such possession; but no such act or ordinance shall take effect until such approval has been proclaimed in such possession, or until such time thereafter as may be fixed by such act or ordinance for the purpose.

Power of Colonial Legislature to alter provisions of act.

548. All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this act, shall be considered as expenses having reference to the revenue of customs, and shall be paid out of the consolidated customs; but the Board of Trade may, with the consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the expenses so paid as are by the provisions of this act chargeable on the said fund.

Expenses incurred by Commissioners of Customs to be paid out of the Consolidated Customs.

** * The first portion of the SCHEDULE to this ACT contains Forms authorized by Part II. of the Act, and applicable to the ownership, registry, sale and mortgage of British ships. By sect. 96, the Commissioners of Customs are empowered, with the consent of the Board of Trade, to make such alterations in the Forms as they may deem requisite, public notice being previously given. The Forms as now issued will be found, post, "Forms."*

[The following

(l) See the 4 Geo. 4, c. 80, ss. 25—34; the M. S. Act Repeal Act, 1854, s. 16; and the M. S. Act, 1855, ss. 22, 23.

(m) The Passengers Act, 1852, is repealed by the Passengers Act, 1855, s. 1.

The following is the remainder of the SCHEDULE:—

TABLE P. (See Section 125.)

Fees to be charged for Matters transacted at Shipping Offices (n).

1. Engagement of Crews.					3. Discharge of Crews.						
£ s. d.					£ s. d.						
In ships under	60 tons	..	0	4	0	In ships under	60 tons	..	0	4	0
60 to	100 „	..	0	7	0	60 to	100 „	..	0	7	0
100 to	200 „	..	0	15	0	100 to	200 „	..	0	15	0
200 to	300 „	..	1	0	0	200 to	300 „	..	1	0	0
300 to	400 „	..	1	5	0	300 to	400 „	..	1	5	0
400 to	500 „	..	1	10	0	400 to	500 „	..	1	10	0
500 to	600 „	..	1	15	0	500 to	600 „	..	1	15	0
600 to	700 „	..	2	0	0	600 to	700 „	..	2	0	0
700 to	800 „	..	2	5	0	700 to	800 „	..	2	5	0
800 to	900 „	..	2	10	0	800 to	900 „	..	2	10	0
900 to	1,000 „	..	2	15	0	900 to	1,000 „	..	2	15	0
Above	1,000 „	..	3	0	0	Above	1,000 „	..	3	0	0
And so on for ships of larger tonnage, adding for every 100 tons above 1,000, five shillings.					And so on for ships of larger tonnage, adding for every 100 tons above 1,000, five shillings.						
2. Engagement of Seamen separately.					4. Discharge of seamen separately.						
Two shillings for each.					Two shillings for each.						

TABLE 8. (See Section 292.)
Number and Dimensions of Boats with which Sea-going Ships are to be provided (g).

REGISTERED TONNAGE.		COLUMN 1. To be carried by Sailing Ships and Steam Ships.						COLUMN 2. To be carried by Sailing Ships and by Steam Ships, when they do not carry the Boats in Col. 2.						COLUMN 3. To be carried by Steam Ships which do not carry the Boat in Col. 3.						TOTAL NUMBERS OF BOATS.					
Sailing Ships.	Steam Ships.	Boats.			Boats.			Launches.			Boats.			Life Boats.			Sailing Ships.	Steam Ships.							
		Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.			Depth.						
Tons.	Tons.	Ft.	Ft. In.	Ft. In.	Ft. In.	Ft.	Ft. In.	Ft. In.	Ft. In.	Ft.	Ft. In.	Ft. In.	Ft. In.	Ft.	Ft. In.	Ft. In.	Ft. In.	7 4 or 5 4 or 5 4 or 4 3 or 4 2 or 3 2 or 3 2 or 3 1	as the case may be.						
1,000 and up-wards ..	1,000 and up-wards ..	1	18	5	6	2	3	2	3	1	27	3	6	3	3	2	22	5	6	2	6	3	6	..	..
800 to 1,000	800 to 1,000	1	18	5	6	2	3	2	3	1	26	3	0	3	3	2	22	5	6	2	6	..	..	..	..
500 to 800	500 to 800	1	18	5	6	2	3	2	3	1	26	3	0	3	3	2	22	5	6	2	6	..	..	..	..
380 to 500	380 to 500	1	16	5	6	2	3	2	3	1	25	7	0	3	6	2	22	5	6	2	6	..	..	..	..
400 to 600	240 to 360	1	16	5	6	2	3	1	22	5	6	3	3	2	22	5	6	2	6	..	..	..	..	..	..
200 to 400	120 to 240	1	14	5	0	2	2	..	..	1	30	6	0	3	0	2	22	5	6	2	6	..	..	..	..
100 to 200	60 to 120	1	14	5	0	2	2	..	..	1	16	5	6	2	9	2	18	5	6	2	4	..	..	..	..
Under 100	Under 60	1	14	5	0	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Note.—In sailing ships carrying the number of boats above specified, and steam ships carrying the larger of the two numbers above specified, the boats are to be considered sufficient, if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.

In steam ships carrying the smaller of the two numbers above specified, one of the boats must be a launch of the capacity specified in Col. 2.

In sailing ships of 240 tons burden and over, not carrying passengers, a launch may be substituted for the boat in Col. 1.

In sailing ships of 180 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.

In all steam ships, two paddle-box boats may be substituted for any two of the boats in Col. 2.

(g) See the M. S. Act, 1873, s. 15, and the Table of Numbers and Dimensions of Boats there referred to. See also the 27th section of the Passengers Act, 1865, which contains provisions as to the boats to be carried in passenger ships within the Passengers Act, 1865 and 1863.

TABLE T. (See Section 314.)

Fees to be charged for the Survey of Passenger Steamers (g).

For steamers not exceeding 100 tons ... 23 0 0 For steamers exceeding 300 and not exceeding 800 tons ... 24 0 0
For steamers exceeding 100 and not exceeding 300 tons ... 2 0 0 And for every additional 300 tons an additional ... 1 0 0

TABLE U. (See Section 333.)

Rates of Pilotage to be demanded and received by Qualified Pilots for Piloting Ships within the under-mentioned Limits (r).

OUTWARDS.																		
From	To	7 Feet and under.	8 Feet	9 Feet	10 Feet	11 Feet	12 Feet	13 Feet	14 Feet	15 Feet	16 Feet	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
The Sea, Orfordness, the Downs, Howley Bay, and vice versa	Nore Wap, Gravesend, Chatham, Standgate Creek or Blackstakes.	3 13 6	2 9 4	2 4 4	2 0 5	1 8 5	1 6 8	1 5 0	1 3 6	1 2 0	1 0 4	9 8	8 16	7 10	6 14	5 18	4 22	3 26
	Long Reach or Blackwall	4 12 0	3 6 0	3 0 0	2 4 0	2 0 0	1 6 0	1 4 0	1 2 0	1 0 0	8 4	7 8	6 12	5 16	4 20	3 24	2 28	1 32
	Woolwich or Blackwall	5 5 6	4 16	3 17	2 18	1 8 0	1 4 9	1 2 0	1 0 1	8 12	6 14	5 16	4 18	3 19	2 21	1 22	0 24	16 25
	Moorings or London Docks	3 48 0	9 9 7	3 6 7	17 38	19 6 9	13 8 10	11 6 11	10 6 12	8 6 13	2 3 14	14 0 17	6 20	10 3 23	4 8			
	Gravesend, Standgate Creek or Blackstakes	1 38 9 2	3 32	7 0 2	10 6 2	12 9 9	6 3 8	9 12 5	3 15 6	4 2 9	4 10 3	5 1 3	5 16 0	6 8 9	7 14 6	8 14 0	9 13 3	10 12 8
The Nore, Wap, and vice versa	Long Reach or Chatham	6 0 2	10 8 2	15 3 2	19 3 9	23 3 8	27 3 3	4 2 9	4 7 0	4 13 6	5 6 9	5 16 0	6 15 3	8 5 8	9 13 8	10 12 6	11 9 12	15 3
	Woolwich or Blackwall	2 15 3	1 9 5	8 0 3	13 6 4	2 2 4	4 0 3	4 1 0	5 8 6	6 16 0	6 4 3	6 13 6	7 2 5	8 3 9	9 4 11	10 12 1	11 9 13	16 0
	Moorings or London Docks	3 4 6 3	10 9 3	17 3 4	2 2 9	16 6 5	5 9 5	5 15 0	6 4 3	6 13 6	7 2 5	8 3 9	9 4 11	10 12 1	11 9 13	16 0		
	Long Reach	0 23 0	14 9 1	0 31	5 31	10 6	14 6	1 39	0 2	3 39	2 3 9	1 3 9	0 3 9	3 6 9	3 11 3	4 12 0	5 10 6	
	Woolwich or Blackwall	1 3 0	7 6	1 12	1 18	2 24	3 30	4 36	5 42	6 48	7 54	8 60	9 66	10 72	11 78	12 84	13 90	
Gravesend Reach, and vice versa	Moorings or London Docks.	1 7 6	14 0	1 0 0	0 31	5 31	10 6	14 6	1 39	0 2	3 39	2 3 9	1 3 9	0 3 9	3 6 9	3 11 3	4 12 0	
	Sheerness, Standgate Creek or Blackstakes	3 45 9 2	10 3	1 9 3	4 6 3	13 0 4	2 2 3	4 12 0	5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5			
	Chatham	3 4 8 3	8 0 3	10 3	13 6 4	2 2 9	4 12 0	5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5				
	Woolwich or Blackwall	0 19 6	2 0 1	4 9 1	7 6 1	16 9 2	6 0 1	2 15 3	3 4 6	3 13 6	4 2 9	4 12 0	5 3 0	5 16 0	6 8 9	7 16 5	8 14 0	
	Moorings or London Docks	1 7 6	11 3	1 14	0 1	15 9 2	6 0 2	4 15 3	3 4 6	3 13 6	4 2 9	4 12 0	5 3 0	5 16 0	6 8 9	7 16 5	8 14 0	
Long Reach, and vice versa	Sheerness, Standgate Creek or Blackstakes	3 4 6 3	8 0 3	10 3	13 6 4	2 2 9	4 12 0	5 1 3	5 10 6	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5				
	Chatham	3 13 6 3	17 3 4	0 4	2 2 4	12 0 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6
	Moorings or London Docks	0 15 6	1 9 1	4 9 1	7 6 1	10 6 1	1 12 0	1 18 9	2 1 6	2 6 0	2 10 6	2 13 0	2 19 9	3 4 6	3 9 0			
	Sheerness, Standgate Creek or Blackstakes	8 13 6 3	17 3 4	0 4	2 2 4	12 0 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6
	Chatham	4 2 0 4	6 6 4	0 2 4	12 0 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5	4 10 6	1 3 5
Woolwich or Blackwall, and vice versa	Gravesend, Standgate Creek or Blackstakes	0 18 0	2 0	1 4	1 10	1 16	2 22	3 28	4 34	5 40	6 46	7 52	8 58	10 04	11 10	12 16	13 22	14 28
	Long Reach or Blackwall	3 13 0	2 6	2 0	1 14	1 20	2 26	3 32	4 38	5 44	6 50	7 56	9 02	10 08	11 14	12 20	13 26	14 32
	Moorings or London Docks	4 2 0	2 6	2 0	1 14	1 20	2 26	3 32	4 38	5 44	6 50	7 56	9 02	10 08	11 14	12 20	13 26	14 32
	Gravesend, Standgate Creek or Blackstakes	5 13 0	4 6 0	3 6 0	3 0 0	2 4 0	2 0 0	1 6 0	1 4 0	1 2 0	1 0 0	8 4	7 8	6 12	5 16	4 20	3 24	2 28
	Long Reach or Blackwall	6 18 0	5 6	5 0	4 16	4 22	5 28	6 34	7 40	8 46	9 52	10 58	12 04	13 10	14 16	15 22	16 28	17 34

(g) See the M. S. Act, 1872, s. 2; the M. S. Act, 1873, s. 20; and "General Table of Fees charged under the authority of the Board of Trade," post.
(r) For the rates now chargeable by the Trinity House, see "Orders in Council," post.

TABLE U.—(continued.)

INWARDS.

From	To	Under 7 Feet.	From 7 Feet to 10 Feet.	11 Feet.	12 Feet.	13 Feet.	14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
The Downs	Nore, Shoarness, Standgate Creek, Gravesend ..	£ s. d. 5 5 0	£ s. d. 7 17 6	£ s. d. 8 12 8	£ s. d. 9 0 10	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0
	Long Beach ..	£ s. d. 5 16 0	£ s. d. 8 8 6	£ s. d. 9 0 10	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0
	Blackwall or London ..	£ s. d. 6 13 8	£ s. d. 8 19 6	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0	£ s. d. 9 11 0
	Standgate Creek Gravesend ..	£ s. d. 3 6 2	£ s. d. 8 17 0	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2	£ s. d. 9 4 2

Note 1.—Foreign ships are to pay one-fourth more than British ships, except when privileged to enter the ports of the United Kingdom upon paying the same duties of tonnage as are paid by British ships, in which cases such ships are to pay the same rates of pilotage only as are payable by British ships.

Note 2.—For half a foot exceeding the above draughts of water, the medium price between the two limits.—For intermediate distances a proportionate rate.

For getting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs.	60 Tons, and under 150.	150 Tons, and under 250.	250 Tons, and under 400.	400 Tons, and under 600.	600 Tons, and upwards.	In the River Thames, above Gravesend.	For a boat of a class carrying an anchor of above 4 cwt. with a corresponding tow line	Per trip for the whole distance from Gravesend to London; and in proportion for any part of that distance.
From off Dungeness to off Folkestone; the Church bearing N.N.W. by compass ..	£ s. d. 2 0 0	£ s. d. 3 0 0	£ s. d. 3 10 0	£ s. d. 4 0 0	£ s. d. 5 5 0	Do. Do. Do.	Do. Do. Do.	£ s. d. 2 0 0
From off Folkestone to the South Foreland, the Lights in case ..	£ s. d. 1 10 0	£ s. d. 2 0 0	£ s. d. 2 10 0	£ s. d. 3 0 0	£ s. d. 4 0 0	Do. Do. Do.	Do. Do. Do.	£ s. d. 2 0 0
From off the South Foreland to the Downs ..	£ s. d. 1 5 0	£ s. d. 1 5 0	£ s. d. 1 10 0	£ s. d. 2 0 0	£ s. d. 3 3 0	Do. Do. Do.	Do. Do. Do.	£ s. d. 2 0 0

And for each man's service in those boats, 8s. per tide.

For removing a ship from moorings into a dry or wet dock.

For a ship under 300 tons ..

" 300 to 600 ..

" 600 to 1,000 ..

" above 1,000 ..

£ s. d. 20 15 0

1 1 0

1 11 6

2 2 0

Note 1.—Foreign ships are to pay one-fourth more than British ships, except when privileged to enter the ports of the United Kingdom upon paying the same duties of tonnage as are paid by British ships. In which cases such ships are to pay the same rates of pilotage only as are payable by British ships.

Note 2.—For half a foot exceeding the above draughts of water, the medium price between the two limits.—For intermediate distances a proportionate rate.

For getting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs.	60 Tons, and under 150.	150 Tons, and under 250.	250 Tons, and under 400.	400 Tons, and under 600.	600 Tons, and upwards.
From off Dungeness to off Folkestone; the Church bearing N.N.W. by compass ..	£ s. d. 2 0 0	£ s. d. 3 0 0	£ s. d. 3 10 0	£ s. d. 4 0 0	£ s. d. 5 5 0
From off Folkestone to the South Foreland, the Lights in one ..	£ s. d. 1 10 0	£ s. d. 2 0 0	£ s. d. 2 10 0	£ s. d. 3 0 0	£ s. d. 4 0 0
From off the South Foreland to the Downs	£ s. d. 1 5 0	£ s. d. 1 5 0	£ s. d. 1 10 0	£ s. d. 2 0 0	£ s. d. 3 0 0

In the River Thames, above Gravesend.

For a boat of a class carrying an anchor of above 4 cwt. with a corresponding tow line ..

Do. do. do. ..

Do. do. do. ..

And for each man's service in those boats, 8s. per day.

For removing a ship from moorings into a dry or wet dock.

For a ship under 300 tons ..

300 to 600 ..

600 to 1,000 ..

above 1,000 ..

Per trip for the whole distance from Gravesend to London, and in proportion for any part of that distance.

£ s. d. 2 0 0
£ s. d. 1 1 0
£ s. d. 1 1 0
£ s. d. 2 2 0

* When the pilot is put on board by a boat from the shore, one-seventh to the pilot, and the remaining six-sevenths to the boat and crew.

TABLE V. (See Section 455.)

FEES AND REMUNERATION OF RECEIVERS(b).

	£	s.	d.
For every examination on oath instituted by a receiver with respect to any ship or boat which may be or may have been in distress, a fee not exceeding	1	0	0
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same ship and the same occurrence, whatever may be the number of the deponents.			
For every report required to be sent by the receiver to the secretary of the committee for managing the affairs of Lloyd's in London, the sum of	0	10	0
For wreck taken by the receiver into his custody, a per-centage of five per cent. upon the value thereof, But so that in no case shall the whole amount of per-centage so payable exceed twenty pounds.			
In cases where any services are rendered by a receiver in respect of any ship or boat in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; that is to say, If such ship or boat with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the receiver is employed on such service, but if such ship or boat with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum.			

TABLE W. (See Section 486.)

SALVAGE BOND.

[N.B.—Any of the particulars not known, or not required, by reason of the claim being only against the cargo, &c., may be omitted.]

WHEREAS certain salvage services are alleged to have been rendered by the ship [insert names of ship and of commander], commander, to the merchant ship [insert names of ship and master], master, belonging to [name and place of business or residence of owner of ship], freighted by [the same of the freighter], and to the cargo therein, consisting of [state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees]:

And whereas the said ship and cargo have been brought into the port of [insert name and situation of port], and a statement of the salvage claim has been sent to [insert the name of the consular officer or Vice-Admiralty Judge, and of the office he fills], and he has fixed the amount to be inserted in this bond at the sum of [state the sum]:

Now I, the said [master's name], do hereby, in pursuance of the Merchant Shipping Act, 1854, bind the several owners for the time being of the said ship and of the cargo therein, and of the freight payable in respect of such cargo, and their respective heirs, executors and administrators, to pay among them such sum not exceeding the said sum of [state the sum fixed], in such proportions and to such persons as [if the parties agree on any other Court, substitute the name of it here] the High Court of Admiralty in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [insert the date] day of

Signed, sealed, and delivered by the said [master's name].

(L.S.)

In the presence of [name of consular officer or Vice-Admiralty Judge and of the office he fills].

(b) The fees in this table are the fees now charged under the authority of the Board of Trade.

17 & 18 VICT. c. 120.

An Act to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts.
[11th August, 1854.]

WHEREAS by "The Merchant Shipping Act, 1854," the acts relating to merchant shipping are amended and consolidated, and it is expedient to repeal certain acts and parts of acts relating to merchant shipping, and to make temporary provisions with respect to certain of the matters referred to in the said acts: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This act may be cited for all purposes as "The Merchant Shipping Repeal Act, 1854." Short title of act.
2. In the construction and for the purposes of this act the interpretation of terms contained in "The Merchant Shipping Act, 1854," shall be considered as incorporated with and forming part of this act. Interpretation of terms in this act.
3. With the exception of such provisions of this act as are hereinafter expressly stated to be intended to come into operation immediately after the passing thereof, this act shall come into operation at the same time as the Merchant Shipping Act, 1854. Commencement of act.
4. There shall be hereby repealed—
The several acts and parts of acts set forth in the first schedule hereto, to the extent to which such acts or parts of acts are therein expressed to be repealed, and all such provisions of any other acts or of any charters, and all such laws, customs and rules as are inconsistent with the provisions of the Merchant Shipping Act, 1854 (c): Repeal of acts mentioned in schedule.
Provided that such repeal shall not affect—
 - (1.) Any provisions contained in the act of the seventh year of his late Majesty King William the Fourth, chapter seventy-nine, as to title, application of purchase money or borrowing money, and having relation to the power of purchasing lighthouses given to the Trinity House by the same act (d):
 - (2.) Any security duly given before this act comes into operation:
 - (3.) Any thing duly done before this act comes into operation:
 - (4.) Any liability accruing before this act comes into operation:
 - (5.) Any penalty, forfeiture or other punishment incurred or to be incurred in respect of any offence committed before this act comes into operation:
 - (6.) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture or punishment as aforesaid:
 - (7.) Any appointment, byelaw, regulation, or licence duly made or granted under any enactment hereby repealed, and subsisting at the time when this act comes into operation; and the same shall continue in force, but shall be subject to such provisions of the Merchant Shipping Act, 1854, as are applicable thereto respectively.
5. The local marine boards, the members of which have been appointed or elected under the Mercantile Marine Act, 1850, shall continue to act until the fourth day of February, one thousand eight hundred and fifty-seven, or until Continuation of Local Marine Boards.

(c) See *Glaholm v. Barker*, L. R., the Statute Law Revision Act, 1875 1 Ch. 223. (38 & 39 Vict. c. 66).

(d) This subsection is repealed by
APPNDX.

other boards have been constituted in lieu thereof in pursuance of the provisions of the Merchant Shipping Act, 1854 (e).

Construction of sections 4 and 9 of the Pilotage Law Amendment Act, 1853.

6. The fourth and ninth sections of "The Pilotage Law Amendment Act, 1853," shall be construed as if the fifth part of "The Merchant Shipping Act, 1854," were therein referred to, in lieu of the act of the sixth year of King George the Fourth, chapter one hundred and twenty-five.

Expenses of life boats, &c. may be charged on Mercantile Marine Fund.

7. The Board of Trade may, out of the Mercantile Marine Fund, direct payment to be made of such expenses for establishing and maintaining on the coasts of the United Kingdom proper life boats, with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for the granting rewards for the preservation of life in such cases, as it thinks fit; *and this section shall come into operation immediately after the passing of this act (f).*

Existing liabilities on Mercantile Marine Fund continued.

8. Nothing in the Merchant Shipping Act, 1854, or in this act, contained shall operate to prevent the exercise of the powers contained in the twelfth and sixteenth sections of the Merchant Shipping Law Amendment Act, 1853, of paying the debts, liabilities and expenses therein mentioned out of the Mercantile Marine Fund: *And whereas it was arranged that a sum to be ascertained by the calculation of actuaries should before the said last-mentioned act came into operation be paid by the Trinity House out of the cash balances then in their hands for the purpose of supplying a deficiency in the funds of the Cinque Ports pilots, and of indemnifying the funds of the Trinity House pilots against any loss consequent upon the settlements to be made under the Pilotage Law Amendment Act, 1853: And whereas when the Merchant Shipping Law Amendment Act, 1853, came into operation, the said calculation was not completed: Be it enacted, that such payment may, with the consent of the Board of Trade, be made by the Trinity House in the same manner as payment of the debts, liabilities, and expenses referred to in the said twelfth section of the said last-mentioned act; and this section shall come into operation immediately after the passing of this act (f).*

Provision as to wages, &c. received before 1852.

13 & 14 Vict. c. 102, s. 31.

9. *All monies arising from any wages and effects of deceased seamen or apprentices to the sea service which were received before the first day of January, one thousand eight hundred and fifty-two, shall be applied in the same manner as if the same had been received under the provisions of "The Merchant Shipping Act, 1854" (e).*

Receiver-general to conform to directions of Board of Trade.

10. The receiver-general of droits of Admiralty shall, as to all things to be done by him in virtue of his office, conform to all lawful directions given for that purpose by the Board of Trade; and on a vacancy occurring in his office no successor shall be appointed, but thereupon all powers and privileges vested in such receiver-general shall be transferred to the Board of Trade; *and this section shall come into operation immediately after the passing of this act (f).*

Powers of Board of Trade as to appointment of receivers.

11. Receivers appointed by the said receiver-general under the act of the tenth year of the reign of her present Majesty, chapter ninety-nine, shall hold their offices only during the pleasure of the Board of Trade; and the serjeants of the Admiralty of the Cinque Ports, their deputies or

(e) These sections are repealed by the Statute Law Revision Act, 1875.

(f) The words in italics are repealed

by the Statute Law Revision Act, 1875.

other officers, authorized to perform the duties and to exercise the powers within the jurisdiction of the Cinque Ports elsewhere performed and exercised by such receivers as aforesaid, shall perform and exercise the same only during the pleasure and subject to the directions of the Board of Trade; and all such receivers, serjeants, deputies, and other officers as aforesaid shall possess in the several districts within which they have hitherto exercised their duties the same powers, rights, and privileges, and perform the same duties, as are by the said Merchant Shipping Act, 1854, vested in and committed to the receivers therein mentioned, save only that they shall not be entitled to take the command in cases of ships or boats stranded or in distress, unless authorized so to do by the Board of Trade.

12. There shall be payable to such receivers, serjeants, deputies, and other officers as aforesaid such fees and other remuneration as are by the said Merchant Shipping Act, 1854, made payable to receivers appointed thereunder, and payment thereof shall be made by the same persons and in the same manner, and shall be capable of being enforced by the same means, as payment of the fees or other remuneration payable to the receivers appointed under "The Merchant Shipping Act, 1854," are payable or capable of being enforced, or as near thereto as circumstances permit; and, save as aforesaid, and saving also any expenses actually and properly incurred, no such receiver, serjeant, deputy or other officer as aforesaid shall be entitled to demand or receive from any person any fees or other sums in respect of any services performed by him as receiver, and this section shall come into operation immediately after the passing of this act (g).

Payment of receivers.

13. All fees or other remuneration received by any such receiver, serjeant, deputy, or other officer as aforesaid may be applied by him to his own use.

Application of fees.

14. *The provisions contained in the ninth part of "The Merchant Shipping Act, 1854," shall come into operation at the same time as if the same were herein repeated, and were hereby expressed to be intended to come into operation immediately after the passing of this act; and the following acts, that is to say, the act of the seventh year of King George the Second, chapter fifteen, the act of the twenty-sixth year of King George the Third, chapter eighty-six, and the act of the fifty-third year of King George the Third, chapter one hundred and fifty-nine, shall be considered as repealed immediately after the passing of this act (h).*

Ninth part of Merchant Shipping Act, 1854, to come into operation immediately.

15. All criminal proceedings under "The Seamen's Fund Winding-up Act, 1851," "The Pilotage Law Amendment Act, 1853," "The Merchant Shipping Law Amendment Act, 1853," or this act, shall be carried on in the same manner as similar proceedings under "The Merchant Shipping Act, 1854;" and all rules of law, practice, and evidence which are applicable to such last-mentioned proceedings shall be applicable to criminal proceedings under this act.

Mode of procedure in criminal cases.

16. If a native of any country in Asia, Africa, or of any of the islands in the South Sea or the Pacific Ocean, or of any other country not having any consul in the United Kingdom, is brought to the United Kingdom in any ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason of the committal whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the said ship, or in case of a

Penalty on masters of ships leaving certain seamen in distress in this country.

(g) The words in italics in this section are repealed by the Statute Law Revision Act, 1875. (h) This section is repealed by the Statute Law Revision Act, 1875.

foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall incur a penalty not exceeding thirty pounds, unless he can show that the person so left as aforesaid quitted the ship without the consent of the master, or that due means have been afforded by such master, owner, or consignee, or one of them, to such person, of returning to his native country, or to the country in which he was shipped; and the Court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person.

SCHEDULE to which this Act refers.

ACTS and PARTS of ACTS to be repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
8 Eliz. c. 13 ..	An Act touching Sea Marks and Mariners ..	The whole act, except section 5 (k).
12 Anne, stat. 2, c. 18.	An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on Shore or stranded on the Coasts of this Kingdom or on any other of her Majesty's Dominions.	So much as is not already repealed.
4 Geo. 1, c. 12 ..	An Act for enforcing and making perpetual an Act of the Twelfth Year of her late Majesty, intituled "An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom or any other of her Majesty's Dominions;" and for inflicting the punishment of Death on such as shall wilfully burn or destroy Ships.	So much as is not already repealed.
7 Geo. 2, c. 15 ..	An Act to settle how far Owners of Ships shall be answerable for the Acts of the Master or Mariners.	The whole act.
20 Geo. 2, c. 38..	An Act for the Relief and Support of maimed disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service.	So much as is not already repealed.
26 Geo. 2, c. 19..	An Act for enforcing the Laws against Persons who shall steal or detain shipwrecked goods, and for the Relief of Persons suffering Losses thereby.	So much as is not already repealed.
26 Geo. 3, c. 86..	An Act to explain and amend an Act made in the Seventh Year of his late Majesty's Reign, intituled "An Act to settle how far Owners of Ships shall be answerable for the Acts of the Masters or Mariners;" and for giving a further Relief to the Owners of Ships.	The whole act.
26 Geo. 3, c. 101..	An Act for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole act.
28 Geo. 3, c. 26..	An Act to render more effectual an Act passed in the Twenty-sixth year of his present Majesty's Reign, intituled "An Act for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole act.

(k) The whole of this act is repealed by the 27 & 28 Vict. c. 113, s. 49.

Reference to Act.	Title of Act.	Extent of Repeal.
29 Geo. 3, c. 52..	An Act to give further Powers to the Commissioners for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole act.
38 Geo. 3, c. 57 (local and personal).	An Act for incorporating the Commissioners appointed for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole act.
46 Geo. 3, c. 106..	An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters, and Things under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes in Ireland.	Sections 75 and 76.
46 Geo. 3, c. 132..	An Act for erecting a Lighthouse on the Bell or Cape Rock on the Eastern Coast of Scotland, and for enabling the Commissioners of the Treasury to advance a certain Sum of Money out of the Consolidated Fund of Great Britain towards that Purpose.	The whole act.
48 Geo. 3, c. 130..	An Act for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of her late Majesty Queen Anne.	The whole act.
50 Geo. 3, c. 95..	An Act to enable the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole act.
51 Geo. 3, c. 66..	An Act to amend and render more effectual several Acts for promoting the Trade of Dublin, by rendering its Port and Harbour more commodious, and for erecting, repairing, and maintaining Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole act, so far as relates to Lighthouses and Light Dues.
52 Geo. 3, c. 115..	An Act to make more effectual Provision for enabling the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain Lighthouses and Lights round the Coasts of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole act.
53 Geo. 3, c. 159..	An Act to limit the Responsibility of Shipowners in certain Cases.	The whole act.
54 Geo. 3, c. 136..	An Act for enabling the Commissioners of the Northern Lighthouses to purchase the Island and Light of May at the Entrance of the Frith of Forth, for enabling the Commissioners of the Treasury to advance a certain Sum of Money towards that purpose, and for amending several Acts in regard to the Northern Lighthouses.	The whole act.
55 Geo. 3, c. lxxvii. (local and personal.)	An Act for enabling the Commissioners of the Northern Lighthouses to erect Lighthouses on the Isles of Man and Calf of Man.	The whole act.
59 Geo. 3, c. 12..	An Act to amend the Laws for the Relief of the Poor.	Section 32.

Reference to Act.	Title of Act.	Extent of Repeal.
1 & 2 Geo. 4, c. 76	An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of her late Majesty Queen Anne.	The whole act, except Sections 1, 2, 3, 4, 5, 15, 16 and 18.
4 Geo. 4, c. 88 ..	An Act for regulating Vessels carrying Passengers between Great Britain and Ireland.	The whole act.
6 Geo. 4, c. 125 ..	An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons.	The whole act.
9 Geo. 4, c. 86 ..	An Act to amend an Act for the Amendment of the Law respecting Pilots and Pilotages, and also for the better Preservation of Floating Lights, Buoys, and Beacons.	The whole act.
11 Geo. 4, c. 20 ..	An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy.	Section 82.
4 & 5 Will. 4, c. 52	An Act to amend an Act of the Twentieth Year of his Majesty King George the Second for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, and for other Purposes.	So much as is not already repealed.
5 & 6 Will. 4, c. 19	An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service.	So much as is not already repealed.
6 & 7 Will. 4, c. 79	An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strand; and for making Provisions respecting Lighthouses, Lights, Buoys, and Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof.	The whole act.
1 & 2 Vict. c. 66 ..	An Act for maintaining a Lighthouse at Gibraltar, and respecting Lighthouses not within the United Kingdom.	The whole act.
3 & 4 Vict. c. 68 ..	An Act to enable her Majesty in Council to authorize Ships and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom to be piloted, in certain Cases, without having a licensed Pilot on board; and also to regulate the Mode in which Pilot Boats shall be painted and distinguished.	The whole act.
7 & 8 Vict. c. 112	An Act to amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen.	The whole act.
8 & 9 Vict. c. 86 ..	An Act for the General Regulation of the Customs.	Sections 45, 51, 53 and 140.
8 & 9 Vict. c. 87 ..	An Act for the Prevention of Smuggling	Section 10 (7).
8 & 9 Vict. c. 89 ..	An Act for the registering of British Vessels ..	The whole act.
8 & 9 Vict. c. 116.	An Act for the Protection of Seamen entering on board Merchant Ships.	The whole act.
9 & 10 Vict. c. 99.	An Act for consolidating and amending the Laws relating to Wreck and Salvage.	The whole act.

(7) The whole of this act is repealed by the Statute Law Revision Act, 1875.

Reference to Act.	Title of Act.	Extent of Repeal.
12 & 13 Vict. c. 29.	An Act to amend the Laws in force for the Encouragement of British Shipping and Navigation.	The whole act.
12 & 13 Vict. c. 88.	An Act to amend the Laws relating to Pilotage..	The whole act.
13 & 14 Vict. c. 93.	An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline in the Merchant Service.	The whole act.
13 & 14 Vict. c. 95.	An Act to amend the Laws relating to the Customs.	Section 14.
14 & 15 Vict. c. 35.	An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in Ireland, and to enable such Guardians to place out Boys in the Naval Service.	The whole act, except section 10.
14 & 15 Vict. c. 79.	An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by Sea-going Vessels.	The whole act.
14 & 15 Vict. c. 96.	An Act to amend the Mercantile Marine Act, 1850.	The whole act.
14 & 15 Vict. c. 102.	An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime.	Sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 61.
16 & 17 Vict. c. 129.	An Act further to amend the Law relating to Pilotage.	The whole act, except sections 3, 4, 5, 8, 10, 11, 12, 13, and so much of section 9 as relates to the recovery of Pilotage rates by Cinque Ports pilots licensed before the act came into operation.
16 & 17 Vict. c. 131.	An Act to amend various Laws relating to Merchant Shipping.	The whole act, except sections 12, 13, 24, 28 and 29.
17 & 18 Vict. c. 5.	An Act to admit Foreign Ships to the Coasting Trade.	Section 4 (m).

(m) The whole of this act is repealed by the 18 & 19 Vict. c. 96, s. 44.

18 & 19 VICT. c. 91.

An Act to facilitate the Erection and Maintenance of Colonial Lighthouses (n), and otherwise to amend the Merchant Shipping Act, 1854.

[14th August, 1855.]

WHEREAS it is expedient to make provision for facilitating the erection and maintenance of lighthouses in the British possessions abroad, and otherwise to amend the Merchant Shipping Act, 1854: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of act.
17 & 18 Vict.
c. 104.

Colonial Lighthouses.

Her Majesty may by order in council fix dues for colonial lighthouses.

No such dues to be levied in any colony without the consent of the colonial legislature.

Mode of collecting the said dues.
17 & 18 Vict.
c. 104, ss. 399, 400, 401.

Dues to be paid over to her Majesty's Paymaster-General.

Dues to be applied to expenses of lighthouse, &c., for which they are levied.

1. This act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be part of the Merchant Shipping Act, 1854, and shall be construed accordingly.

2. In any case in which any lighthouse, buoy, or beacon has been or is hereafter erected or placed on or near the coasts of any British possession, by or with the consent of the legislative authority of such possession, her Majesty may, by order in council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as her Majesty may deem reasonable, and may in like manner from time to time increase, diminish, or repeal such dues, and from the time specified in such order for the commencement of the dues thereby fixed, increased, or diminished the same shall be leviable throughout her Majesty's dominions in manner hereinafter mentioned.

3. No such dues as aforesaid shall be levied in any colony unless and until the legislative authority in such colony has, either by address to the crown, or by an act or ordinance duly passed, signified its opinion that the same ought to be levied in such colony.

4. The said dues shall in the United Kingdom be collected by the same persons by whom, and by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under the Merchant Shipping Act, 1854, are collected, and shall in each British possession abroad be collected by such persons as the governor of such possession abroad may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other means, in such other manner, and subject to such other conditions as the legislative authority in such possession may direct.

5. All dues levied under this act shall be paid over to her Majesty's Paymaster-General at such times and in such manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the purposes hereinafter mentioned, in such manner as such Board may direct.

6. The dues levied under the authority of this act in respect of any such lighthouse, buoy, or beacon as aforesaid shall, after deducting any expenses incurred in collecting the same, be applied for the purpose of paying the expenses incurred in erecting and maintaining such lighthouse, buoy or beacon, and for no other purpose whatever.

(n) See The Besses Lights Act, 1869 (32 & 33 Vict. c. 77), and The Besses Lights Act, 1872 (35 & 36 Vict. c. 55).

7. For the purpose of constructing or repairing any such lighthouse, buoy, or beacon as aforesaid, the Board of Trade may raise, upon the security of the dues to be levied in respect thereof, such sums of money as they may deem fit; and the Commissioners of her Majesty's Treasury, out of any monies which may be provided by Parliament, the Public Works Loan Commissioners, or any other person, or body of persons, may advance the same accordingly, such advances to be made in the same manner, with the same powers, and subject to the same provisions, so far as circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, advances may be made upon the security of the Mercantile Marine Fund for the construction and repair of light-houses in the United Kingdom.
8. Accounts shall be kept of all sums expended in the construction, repair, or maintenance of every lighthouse, buoy, or beacon in the British possessions abroad for which dues are levied under the authority of this act, and of the dues received in respect thereof, in such manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said accounts shall be audited in such manner as her Majesty may by order in council direct.
9. Any person who, in any declaration made in the presence of or produced to any registrar of shipping, in pursuance of the second part of the Merchant Shipping Act, 1854, or in any documents or other evidence produced to such registrar, wilfully makes, or assists in making or procures to be made, any false statement concerning the title to or the ownership of or the interests existing in any ship, or any share or shares in any ship, or who utters, produces, or makes use of any declaration or document containing any such false statement, knowing the same to be false, shall be guilty of a misdemeanor.
10. Shares in ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the word "stock," as defined by the Trustee Act, 1850, and the provisions of such last-mentioned act shall be applicable to such shares accordingly.
11. In any case in which any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or any share or shares therein or of any interest therein is made in any form or contains any particulars other than the form and particulars prescribed and approved for the purpose by or in pursuance of the Merchant Shipping Act, 1854, no registrar shall be required to record the same without the express direction of the Commissioners of her Majesty's Customs.
12. Upon the transfer of the registry of a ship from one port to another, the certificate of registry required by the ninetieth section of the Merchant Shipping Act, 1854, to be delivered up for that purpose, may be delivered up to the registrar of either of such ports.
13. *The Commissioners of Customs may, with the consent of the Board of Trade, exempt any pleasure yacht from the provision contained in the thirty-fourth section of the Merchant Shipping Act, 1854, which requires the name of every ship and the port to which she belongs to be painted on her stern (c).*
14. The owner of any ship which is measured under Rule II. contained in the twenty-second section of the Merchant Shipping Act, 1854, may at
- (c) This section is repealed by the M. S. Act, 1871, s. 12. See the M. S. Act, 1873, s. 3.*
- Power to borrow money on security of dues.
17 & 18 Vict. c. 104, ss. 424, 425, 426.
- Accounts for each lighthouse, &c., to be kept, and laid before Parliament, and to be audited.
17 & 18 Vict. c. 104, s. 428.
- Registry of Ships.
Part II. of Merchant Shipping Act, 1854.
Penalty on false declarations under Part II. of Merchant Shipping Act.
17 & 18 Vict. c. 104, s. 108.
- Shares in shipping within the Trustee Act, 1850.
18 & 14 Vict. c. 80.
- Forms of instruments.
17 & 18 Vict. c. 104, s. 96.
- Delivery of certificate upon transfer of registry.
17 & 18 Vict. c. 104, s. 90.
- Exemption of certain ships from having name painted on stern.
17 & 18 Vict. c. 104, s. 84.
- Ships measured under Rule II. may

be measured under Rule I. 17 & 18 Vict. c. 104, ss. 21 and 22.

any subsequent period apply to the Commissioners of Customs to have the said ship remeasured under Rule I. contained in the twenty-first section of the same act, and the said commissioners may thereupon, and upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may authorize, direct the said ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly (*p*).

General register books in London.

17 & 18 Vict. c. 104, s. 107.

15. The copy or transcript of the register of any British ship which is kept by the chief registrar of shipping at the Custom House in London, or by the registrar-general of seamen, under the direction of her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same effect to all intents and purposes as the original register of which the same is a copy or transcript.

Masters and Seamen.

Part III. of Merchant Shipping Act, 1854.

Extension of provisions concerning the relief of destitute seamen.

17 & 18 Vict. c. 104, ss. 211, 212 and 213.

16. The Board of Trade may issue instructions (*q*) concerning the relief to be administered to distressed seamen and apprentices, in pursuance of the two hundred and eleventh and two hundred and twelfth sections of the Merchant Shipping Act, 1854, and may by such instructions determine in what cases and under what circumstances and conditions such relief is to be administered; and all powers of recovering expenses incurred with respect to distressed seamen and apprentices, which by the two hundred and thirteenth section of the said act are given to the Board of Trade, shall extend to all expenses incurred by any foreign government for the purposes aforesaid, and repaid to such government by her Majesty's government, and shall likewise extend to any expenses incurred by the conveying home such seamen or apprentices in foreign as well as British ships; and all provisions concerning the relief of distressed seamen and apprentices, being subjects of her Majesty, which are contained in the said sections of the said act, and in this section, shall extend to such seamen and apprentices, not being subjects of her Majesty, as are reduced to distress in foreign parts by reason of their having been shipwrecked, discharged, or left behind from any British ship; subject nevertheless to such modifications and directions concerning the cases in which relief is to be given to such foreigners, and the country to which they are to be sent, as the Board of Trade may, under the circumstances, think fit to make and issue (*q*).

Enactment concerning savings banks extended to seamen in the navy.

17 & 18 Vict. c. 104, s. 180.

Additional powers of Naval Courts. 17 & 18 Vict. c. 104, ss. 260 to 266.

17. The enactment of the Merchant Shipping Act, 1854, relating to savings banks shall apply to all seamen, and to their wives and families, whether such seamen belong to the royal navy or to the merchant service, or to any other sea service.

18. Any naval Court summoned, under the provisions of the Merchant Shipping Act, 1854, to hear any complaint touching the conduct of the master or any of the crew of any ship, shall, in addition to the powers given to it by the said act, have power to try the said master or any of the said crew for any offences against the Merchant Shipping Act, 1854, in respect of which two justices would, if the case were tried in the United Kingdom, have power to convict summarily, and by order duly made to inflict the same punishments for such offences which two justices might in the case aforesaid inflict upon summary conviction: Provided, that in cases where an offender is sentenced to imprisonment the sentence shall be confirmed in writing by the senior naval or consular officer present at the place where the Court is held, and the place of imprisonment, whether on land or on board ship, shall be approved by him as a proper place for the purpose, and copies of all sentences made by any naval Court sum-

(*p*) By the 3rd section of the M. S. Act, 1872, this section is to be read and construed as if the Board of Trade were therein named instead of the Commissioners of Customs.

(*q*) See "Instructions to Officers in the British Possessions abroad relating to Masters and Seamen of the Mercantile Marine . . . issued by the Board of Trade, 1875."

moned to hear any such complaint as aforesaid shall be sent to the commander-in-chief or senior naval officer of the station.

19. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of the United Kingdom, or belonging to or forming part of the cargo thereof, are found on or near such coasts, or are brought into any port in the United Kingdom, the consul-general of the country to which such ship, or, in the case of cargo, to which the owners of such cargo, may have belonged, or any consular officer of such country authorized in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such articles.

20. In cases where services are rendered by officers or men of the coast guard service in watching or protecting shipwrecked property, then, unless it can be shown that such services have been declined by the owner of such property or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the shipwrecked property shall pay in respect of the said services remuneration according to a scale to be fixed by the Board of Trade, so however that such scale shall not exceed any scale by which payment to officers and men of the coast guard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated; and such remuneration shall be recoverable by the same means and shall be paid to the same persons and accounted for and applied in the same manner as fees received by receivers appointed under the Merchant Shipping Act, 1854.

21. If any person, being a British subject, charged with having committed any crime or offence on board any British ship on the high seas or in any foreign port or harbour, or if any person, not being a British subject, charged with having committed any crime or offence on board any British ship on the high seas, is found (r) within the jurisdiction of any Court of justice in her Majesty's dominions which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such Court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits; provided, that nothing contained in this section shall be construed to alter or interfere with the act of the thirteenth year of her present Majesty, chapter ninety-six (s).

22. It shall be the duty of the East India Company to take charge of and send home or otherwise provide for all persons, being Lascars or other natives of the territories under the government of the said company, who are found destitute in the United Kingdom; and if any such person is relieved and maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the post or otherwise, give notice thereof in writing to the secretary of the Court of Directors of the East India Company, specifying, so far as is practicable, the following particulars; viz.,—

- (1.) The name of the person so relieved or maintained;
- (2.) The presidency or district or part of the territories of the East India Company of which he professes to be a native;
- (3.) The name of the ship in which he was brought to the United Kingdom:

(r) See *Reg. v. Lopez*, 27 L. J., (s) See the M. S. Act, 1867, s. 11.
M. C. 48.

*Wrecks,
Casualties and
Salvage.*

Part VIII. of
Merchant
Shipping Act,
1854.

In case of
wreck of
foreign ships,
consul-general
to be deemed
agent of
owner.

Remuneration
for services by
coast guard.

*Legal
Procedure.*

Part X. of
Merchant
Shipping Act,
1854.

Jurisdiction in
case of offences
on board ship.
12 & 13 Vict.
c. 96.

Miscellaneous.

Part XI. of
Merchant
Shipping Act,
1854.

Relief of des-
titute Lascars.

- (4.) The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival:

And the said East India Company shall repay to the said overseers, guardians, or other persons, out of the revenues of the said company, all monies duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

Contracts may be made with natives in India, under certain conditions, binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

23. It shall be lawful for any master or owner of a ship or his agent to enter into agreements with Lascars or natives of the territories of the East India Company, binding them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in the territories of the East India Company; provided, that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the Governor General of India in Council, or the governors of the respective presidencies in which the original agreement is made, in council may direct; and if any Lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in the territories of the East India Company, and if it is certified by some officer appointed for that purpose by the East India Company that such further agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such Lascar or other person to serve in, and that there is not, in the opinion of such officer, any objection to the full performance of the said original agreement, such Lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and for every Lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the East India Company may appoint, not exceeding ten shillings.

Saving of former enactments.
4 Geo. 4, c. 80,
ss. 25 to 34.
17 & 18 Vict.
c. 120, s. 16.

24. Nothing herein contained shall be deemed to repeal or affect any provisions contained in the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first or thirty-fourth sections of the act of the fourth year of King George the Fourth, chapter eighty, or in the sixteenth section of the act of the eighteenth year of her present Majesty, chapter one hundred and twenty.

18 & 19 VICT. c. 111.

An Act to amend the Law relating to Bills of Lading.

[14th August, 1855.]

WHEREAS by the custom of merchants a bill of lading of goods being transferable by endorsement the property in the goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property: and whereas

it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board, and it is proper that such bills of lading in the hands of a *bonâ fide* holder for value should not be questioned by the master or other person signing the same on the ground of the goods not having been laden as aforesaid: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself (s).

Rights under bills of lading to vest in consignee or endorsee.

2. Nothing herein contained shall prejudice or affect any right of stoppage *in transitu*, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee, by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

Not to affect right of stoppage *in transitu* or claims for freight.

3. Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel shall be conclusive evidence of such shipment as against the master or other person signing the same (t), notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board: provided, that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims (u).

Bill of lading in hands of consignee, &c. conclusive evidence of the shipment as against master, &c.

Proviso.

18 & 19 VICT. c. 119 (v).

An Act to amend the Law relating to the Carriage of Passengers by Sea. [14th August, 1855.]

WHEREAS it is expedient to amend "The Passengers Act, 1852:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. [Section 1 is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66), as to all her Majesty's dominions.]

Prefatory Clauses.

2. In citing this act in other acts of Parliament, or in any instrument, document, or proceeding, it shall be sufficient to use the expression "The Passengers Act, 1855;" and in any process for enforcing the remedies or penalties given or imposed by this act, it shall be sufficient, without specifying more particularly the cause of complaint or offence, to refer by

Short title of this act, &c.

(s) *Short v. Simpson*, L. R., 1 C. P. 562. 248.

(t) *M'Lean v. Fleming*, L. R., 2 H. L. Sc. 128; *The Freedom*, L. R., 3 P. C. 594;

(u) See *Valieri v. Boyland*, L. R., 1 C. P. 382.

Brown v. Powell & Co., L. R., 10 C. P.

(v) See the 16 & 17 Vict. c. 84, and the 18 & 19 Vict. c. 104.

number, according to the copies of the act printed by the Queen's printer to the section or sections under which the proceeding is taken.

Definition of terms used in this act.

3. For the purposes of this act, the following words and expressions, whenever they occur, shall respectively have the following significations, if not inconsistent with the context or subject matter; (that is to say,) words of one number or gender shall import both numbers and all genders respectively; the expression "her Majesty" shall include her heirs and successors; the expression "consular officer" shall signify and include her Majesty's consul general, consul, and vice-consul; the expression "United Kingdom" shall signify Great Britain and Ireland, and the islands of Guernsey, Jersey, Alderney, Sark, Scilly, and Man; the expression "North America" shall signify and include the Bermudas, and all ports, and places on the eastern coast of the continent of North America, or in the islands adjacent or near thereto, or in the Gulf of Mexico north of the tropic of Cancer; the expression "West Indies" shall signify the West India islands, the Bahamas, British Guiana, and Honduras; the expression "governor" shall signify the person who for the time being shall be lawfully administering the government of any British colony in which he may be acting; the expression "statute adult" shall signify any person of the age of twelve years or upwards, or two persons between the ages of one and twelve years; the expression "passage" shall include all passages except cabin passages; the expression "passengers" (w) shall include all passengers except cabin passengers; and except labourers under indenture to the Hudson's Bay Company, and their families, conveyed in ships the property of or chartered by the said company, and no persons shall be deemed cabin passengers unless the space allotted to their exclusive use shall be in the proportion of at least thirty-six clear superficial feet to each statute adult, nor unless they shall be messed throughout the voyage at the same table with the master or first officer of the ship, nor unless the fare contracted to be paid by them respectively shall be in the proportion of at least thirty shillings for every week of the length of the voyage as computed under the provisions of this act for sailing vessels proceeding from the United Kingdom to any place south of the equator, and of twenty shillings for such vessels proceeding to any place north of the equator, nor unless they shall have been furnished with a duly signed contract ticket according to the form in schedule (K.) of this act; the expression "upper passenger deck" shall signify and include the deck immediately beneath the upper deck, or the poop or round house and deck house when the number of passengers and cabin passengers carried in such poop, round house, or deck house shall exceed one-third of the total number of passengers which such ship can lawfully carry on the deck next below; the expression "lower passenger deck," the deck next beneath the upper passenger deck, not being an orlop deck; the expression "ship" shall signify any description of sea-going vessel, whether British or foreign; the expression "passenger ship" shall signify every description of such ship carrying upon any voyage to which the provisions of this act shall extend more than thirty passengers, or a greater number of passengers than in the proportion of one statute adult to every fifty tons of the registered tonnage of such ship if propelled by sails, or of one statute adult to every twenty-five tons if propelled by steam (x); the expression "master" shall signify the person who shall be borne on the ship's articles as master, or who, other than a pilot, shall for the time being be in charge or command of any such ship or "passenger ship"; and the expression "emigrant runner" shall signify every person other than a licensed passage broker or

(w) See *Ellis v. Pearce*, E. B. & E. 431.

(x) The definition of "passenger ship" in this section is repealed by the 3rd section of the Passengers Act,

1863 (26 & 27 Vict. c. 51). The section in question contains a definition of "passenger ship," which is by the provisions of the same section substituted for the repealed definition.

his *bonâ fide* salaried clerk, who within any port or place of shipping, or within five miles of the outer boundaries thereof, for hire or reward, or the expectation thereof, shall directly or indirectly conduct, solicit, influence, or recommend any intending emigrant to or on behalf of any passage broker, owner, charterer, or master of a ship, lodging house or tavern or shop keeper, money changer, or other dealer or chapman, for any purpose connected with the preparations or arrangements for a passage, or shall give or pretend to give to such intending emigrant any information or assistance in any way relating to emigration.

4. This act shall extend to every "passenger ship" proceeding on any voyage from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, and on every colonial voyage as hereinafter described, and, in the particulars mentioned or referred to in sections one hundred, one hundred and one, and one hundred and two, to every ship bringing passengers into the United Kingdom from any place out of Europe and not being within the Mediterranean Sea; but shall not extend to any of her Majesty's ships of war, nor to any ships in the service of the commissioners for executing the office of Lord High Admiral of the United Kingdom. [*The remainder of this section is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66), as to all her Majesty's dominions (y).*]

To what vessels and voyages this act extends.

[*Section 5 is repealed by the Statute Law Revision Act, 1875, as to all her Majesty's dominions.*]

6. And whereas by a warrant under her Majesty's sign manual, bearing date on the twenty-seventh day of November, one thousand eight hundred and forty-seven, her Majesty was pleased to appoint certain persons therein named, under the style of "The Colonial Land and Emigration Commissioners," to be, during her Majesty's pleasure, commissioners in the United Kingdom for the sale of the waste lands of the crown of her Majesty's colonies, and for superintending the emigration of the poorer classes of her Majesty's subjects to such colonies; and whereas it is expedient that such commissioners should be empowered to carry this act into execution: Be it therefore enacted, that the said commissioners, and their successors for the time being, shall and they are hereby empowered to carry this act into execution; and that for all legal and other purposes it shall be sufficient to describe such commissioners by the style of "The Emigration Commissioners" (z).

Commissioners of emigration to carry this act into execution.

7. The said emigration commissioners for the time being may sue and be sued in the name of their secretary, or of any one of such commissioners for the time being, and legal or equitable proceedings taken by or against the said commissioners in the name of any one of them or of their secretary shall not abate nor be discontinued by the death or removal of such secretary or commissioner, but the secretary for the time being, or any one of such commissioners, shall always be deemed to be the plaintiff or defendant (as the case may be) in any such proceedings: Provided always, that the said commissioners and their secretary, and the emigration officers hereinafter mentioned respectively, shall in no case be personally liable, nor shall the private estate and effects of any of them be liable, for the payment of any monies, or costs or otherwise in respect of any contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable proceedings taken against them or any of them, or for any act, deed, or matter

Emigration commissioners may sue and be sued in the name of their secretary, &c.

Commissioners, &c. exempt from liability.

(y) See the Passengers Act, 1863, s. 4.

(z) This section is repealed by the M. S. Act, 1872, s. 6, by which section all powers and duties vested in or

imposed on the Emigration Commissioners by the Passengers Act, 1865, are transferred to and imposed upon the Board of Trade.

done or executed by them or any of them in their or his official capacity and on the public service (b).

Emigration officers and assistants to act under the commissioners, &c. but existing appointments to continue until revoked.

8. In the United Kingdom the said commissioners (c) acting under the sanction of one of her Majesty's principal secretaries of state, and in her Majesty's possessions abroad the respective governors thereof, may from time to time appoint, and the said commissioners and governors may at pleasure from time to time remove, such emigration officers and assistant emigration officers as they may respectively think necessary, for the purpose of carrying this act into execution, under the direction of the said commissioners or governors, as the case may be: Provided nevertheless, that all existing appointments of emigration officers or immigration agents and of their assistants, as well in the United Kingdom as in her Majesty's possessions abroad, shall continue in force under this act until duly revoked.

Duties of emigration officer may be performed by his assistant or by officer of customs.

9. All powers, functions, and duties to be exercised or performed by any such emigration officer may be exercised and performed respectively by his assistant, or, at any port where there shall be no such emigration officer or assistant, or in their absence, by the chief officer of customs for the time being at such port.

Facilities to be given to the proper officers for the inspection of all ships fitting for passengers.

10. The master of every ship, whether a "passenger ship" (d) or otherwise, fitted or intended for the carriage of passengers, or which shall carry passengers upon any voyage to which this act extends, shall afford to such emigration officer as aforesaid at any port or place in her Majesty's dominions, and, in the case of British ships, to her Majesty's consular officer at any foreign port or place at which such ship shall be or arrive, every facility for inspecting such ship, and for communicating with the passengers, and for ascertaining that the provisions of this act, so far as the same may be applicable to such ships, have been duly complied with; the master of any ship who shall omit or fail to comply with any of the requirements of this section, shall be liable to a penalty not exceeding fifty pounds.

Penalty on master failing to comply, &c.

Arrangements for the Ship.

No passenger ship to clear without certificate from emigration officer, nor until bond be given to the Crown.

11. No ship fitted or intended for the carriage of passengers as a "passenger ship" (d) shall clear out or proceed to sea until the master thereof shall have obtained from the emigration officer at the port of clearance a certificate of clearance under his hand that all the requirements of this act, so far as the same can be complied with, before the departure of such ship, have been duly complied with, and that such ship is, in his opinion, seaworthy, in safe trim, and in all respects fit for her intended voyage, and that her passengers and crew are in a fit state to proceed, nor until the master shall have joined in executing such bond to the Crown as required by the sixty-third section of this act (e): Provided, that if such emigration officer shall refuse to grant such certificate, and the owner or charterer of such ship shall appeal in writing to the emigration commissioners (c), such commissioners shall appoint any two other emigration officers, or any two competent persons, at the expense of the appellant, to examine into the matter, and if the persons so appointed shall grant a certificate under their joint hands to the purport hereinbefore required, such certificate shall be held to be of the same effect as if granted by the emigration officer of the port of clearance (f).

(b) This section, except so much of it as provides for the immunity of emigration officers, is repealed by the M. S. Act, 1872, s. 5.

(c) Now the Board of Trade, see the M. S. Act, 1872, s. 5.

(d) See the Passengers Act, 1863, s. 3.

(e) See the Passengers Act, 1863, s. 3, and the M. S. Act, 1876, ss. 16, 17, 18, 19.

(f) As to an appeal on the refusal of the certificate mentioned in this section to a court of survey, see the M. S. Act, 1876, s. 14.

12. If any "passenger ship" shall clear out or proceed to sea without the master's having first obtained such certificate of clearance, or without his having joined in executing such bond, as by this act is required, or if such ship after having sailed shall put into any port or place in the United Kingdom in a damaged state, and shall put to sea again without the master having first obtained such certificate of clearance as required by section fifty of this act, such ship shall be forfeited to the use of her Majesty, and may be seized by any officer of customs, if found, within two years from the commission of the offence, in any port or place in her Majesty's dominions; and such ship shall thereupon be dealt with in the same manner as if she had been seized as forfeited under any of the laws relating to the customs for an offence incurring forfeiture under those laws (g).

Forfeiture of ship if master proceeds to sea without certificate of clearance, &c.

Such ship to be dealt with as if seized under laws relating to customs.

13. No ship shall carry passengers or cabin passengers on more than two decks; provided, that cabin passengers in a proportion not exceeding one cabin passenger for every one hundred tons of the ship's registered tonnage, or sick persons placed in an hospital, as hereinafter provided (h), may be carried in a poop or deck house, notwithstanding that passengers are carried on two other decks, and if passengers are carried under the poop or in any round house or deck house, such poop, round house, or deck house shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance; for any breach of this enactment the master of the ship shall for each offence be liable to a penalty not exceeding five hundred pounds nor less than twenty pounds sterling.

Where passengers may be carried.

Penalty.

14. For determining the number of passengers to be carried in any "passenger ship" the following rules shall be observed:

Rule for determining the number of passengers to be carried.

(1.) No ship propelled by sails only shall carry a greater number of persons (including every individual on board) than in the proportion of one statute adult to every two tons of her registered tonnage (i).

Tonnage check.

(2.) No ship shall carry under the poop, or in the round house or deck house, or on the "upper passenger deck," a greater number of passengers than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use:

Space check.

(3.) No ship shall carry on her lower passenger deck a greater number of passengers than in the proportion of one statute adult to every eighteen clear superficial feet of deck allotted to their use: Provided nevertheless, that if the height between such lower passenger deck and the deck immediately above it shall be less than seven feet, or if the apertures (exclusive of side scuttles) through which light and air shall be admitted together to the lower passenger deck shall be less in size than in the proportion of three square feet to every one hundred superficial feet of the lower passenger deck, no greater number of passengers shall be carried on such deck than in the proportion of one statute adult to every twenty-five clear superficial feet thereof:

(4.) No ship, whatever be her tonnage or superficial space of "passenger decks," shall carry a greater number of passengers on the whole than in the proportion of one statute adult to every five superficial feet, clear for exercise, on the upper deck or poop, or (if secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance) on any round house or deck house:

(5.) In the measurement of the passenger decks, poop, round house, or

(g) See the Passengers Act, 1863, s. 12, as to the repeal of this section, except as therein mentioned. See also the provision in lieu thereof contained in the Passengers Act, 1863, s. 13.

(h) Sect. 24.

(i) The first rule of this section is repealed by the Passengers Act, 1863, s. 5, except as therein mentioned.

deck house, the space for the hospital and that occupied by such portion of the personal luggage of the passengers as the emigration officer may permit to be carried there shall be included:

Penalty. If there shall be on board of any ship at or after the time of clearance a greater number, either of persons or passengers (except by births at sea), than in the proportions respectively hereinbefore mentioned, the master of such ship shall be liable to a penalty not exceeding twenty pounds nor less than five pounds sterling for each passenger or person constituting such excess (j).

Nothing to extend to repeal 16 & 17 Vict. c. 84. 15. Provided nevertheless, that nothing in this act contained shall extend to repeal or vary an act passed in the session of Parliament holden in the sixteenth and seventeenth years of the reign of her present Majesty, chapter eighty-four, intituled "An Act to amend the Passengers' Act, 1852, so far as relates to the Passages of Natives of Asia or Africa, and also Passages between the Island of Ceylon and certain Parts of the East Indies."

Passengers' lists to be delivered in duplicate by the master before clearance. 16. The master of every ship, whether a "passenger ship" or otherwise, carrying passengers on any voyage to which this act extends, shall, before demanding a clearance for such ship, sign two lists, made out according to the form contained in schedule (B.) (k) hereto annexed, correctly setting forth in the manner therein directed the name and other particulars of the ship, and of every passenger on board thereof (l); and the said lists, when countersigned by the emigration officer, where there is one at the port, shall be delivered by the master to the officer of the customs from whom a clearance of the said ship shall be demanded, and such officer shall thereupon also countersign and return to the said master one of such lists, hereinafter called "The Master's List;" and the said master shall note in writing on such last-mentioned list, and on any additional lists to be made out as next hereinafter provided, the date and supposed cause of death of any passenger who may die, and the date of birth and sex of any child who may be born on the voyage, and shall exhibit such last-mentioned list, with any additions which may from time to time be made thereto, as hereinafter directed, to the chief officer of customs at any port or place in her Majesty's possessions, or to her Majesty's consular officer at any foreign port at which the said passengers or any of them shall be landed, and shall deposit the same with such chief officer of customs or such consular officer, as the case may be, at the final port or place of discharge, and such officer of customs or consular officer shall thereupon forthwith transmit the particulars respecting any passenger who may die, or of any child who may be born on the voyage, to the registrar-general of births, deaths and marriages in England, who shall file the same, and enter a copy thereof under his hand, in the "Marine Register Book," which entry shall be dealt with and be of the same value as evidence as any other entry made in such book under the provisions of an act passed in the session of Parliament held in the sixth and seventh years of the reign of her present Majesty, intituled "An Act for registering Births, Deaths and Marriages in England:" In case of noncompliance with any of the requirements of this section on the part of the master, or if such list shall be wilfully false, the master shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than five pounds sterling (m).

Lists of passengers em- 17. If at any time after such lists shall have been signed and delivered

(j) See the Passengers Act, 1863, s. 5, as to a repeal of so much of this fifth rule as relates to the first rule in this section.

(k) See *post*, "Forms," No. 32.

(l) See the Passengers' Act, 1863, s. 6.

(m) So much of this section as is printed in italics is repealed by the Registration of Births and Deaths Act, 1874 (37 & 38 Vict. c. 88), s. 54. See the Registration of Births and Deaths Act, 1874, s. 37.

6 & 7 W. 4, c. 86.

as aforesaid any additional passenger shall be taken on board, in every such case the master shall, according to the form aforesaid, add to "The Master's List" the names and other particulars of every such additional passenger, and shall also sign a separate list, made out according to the form aforesaid, containing the names and other particulars of every such additional passenger(n), and such last-mentioned list, when countersigned by the emigration officer, where there is one at the port, shall, together with "The Master's List" to which such addition shall have been made, be delivered to the chief officer of customs as aforesaid, and thereupon such officer shall countersign "The Master's List," and shall return the same to the said master, and shall retain the separate list, and so on in like manner whenever any additional passenger or passengers may be taken on board; or if no officer of customs shall be stationed at the port or place where such additional passenger or passengers may be taken on board, the said lists shall be delivered to the officer of customs at the next port or place at which such vessel shall touch or arrive and where any such officer shall be stationed, to be dealt with as hereinbefore mentioned: Provided, that when any additional passenger shall be taken on board the master shall obtain a fresh certificate from the emigration officer of the port that all the requirements of this act have been duly complied with before the ship shall proceed to sea: In case of noncompliance with any of the requirements of this section, the master of such ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling.

barked after clearance to be delivered by master.

Penalty on non-compliance.

18. If any person shall be found on board any passenger ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, such person, and every person aiding and abetting him in such fraudulent intent, shall respectively be liable to a penalty not exceeding five pounds(o), and in default of payment to imprisonment, with or without hard labour, for a period not exceeding three calendar months; and such person so found on board may be taken before any justice of the peace, without warrant, and such justice may summarily hear the case, and on proof of the offence convict such offender as aforesaid.

Penalty on persons found on board ships without consent of owners, &c.

19. No "passenger ship" (p) shall clear out or proceed to sea unless she shall have been surveyed, under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof (q), by two or more competent surveyors (r) to be appointed by the said emigration commissioners (s) for each port at which there may be an emigration officer, and for other ports by the Commissioners of Customs, nor unless it shall be reported by such surveyors that such "passenger ship" is in their opinion seaworthy, and fit for her intended voyage. The survey shall be made before any part of the cargo is taken on board, except so much as may be necessary for ballasting the ship, and such portion of cargo if laden on board shall be shifted, if required by the emigration officer or surveyors, so as to expose to view successively every part of the frame of the ship. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than five pounds sterling: Provided always, that

All passenger ships to be surveyed before clearing out.

Penalty on non-compliance.

Power to owners to appeal

(*) See the Passengers Act, 1863, s. 6.

(o) *Ib.* s. 7.

(p) See the M. S. Act, 1876, s. 16.

(q) See the M. S. Act, 1872, s. 16; the M. S. Act, 1873, s. 30; and the M. S. Act, 1876, s. 39; and *post*,

"General Table of Fees charged under the authority of the Board of Trade."

(r) See the M. S. Act, 1872, s. 13, and the M. S. Act, 1876, ss. 16, 17, 18, 19.

(s) See the M. S. Act, 1872, s. 5.

against surveyor's report of ships not being seaworthy.

in case any "passenger ship" shall be reported by any such surveyors not to be seaworthy, or not fit for her said intended voyage, the owner or charterer, if he shall think fit, may require, by writing under his hand, the emigration officer, or in his absence the chief officer of customs, to appoint three other competent surveyors, of whom two at least shall be shipwrights, to survey the said ship, at the expense of the said owner or charterer, and the said officer shall thereupon appoint such surveyors, who shall survey the said ship, and if they shall, by an unanimous report under their hands (but not otherwise), declare the said ship to be seaworthy, and fit for her intended voyage, the said ship shall then, for the purposes of this act, be deemed seaworthy for such voyage.

As to the construction of beams and decks.

20. In every "passenger ship" the beams supporting the "passenger decks" shall form part of the permanent structure of the ship: They shall be of adequate strength, in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to his satisfaction. The "passenger decks" shall be at least one inch and a half in thickness, and shall be laid and firmly fastened upon the beams continuously from side to side of the compartment in which the passengers are berthed. The height between that part of any deck on which passengers are carried and the deck immediately above it shall not be less than six feet. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling (t).

Arrangement and size of berths

21. There shall not be more than two tiers of berths on any one deck in any "passenger ship," and the interval between the floor of the berths and the deck immediately beneath them shall not be less than six inches, nor the interval between each tier of berths and between the uppermost tier and the deck above it less than two feet six inches: The berths shall be securely constructed, and of dimensions not less than six feet in length and eighteen inches in width for each statute adult, and shall be sufficient in number for the proper accommodation of all the passengers contained in the list of passengers hereinbefore required to be delivered by the master of the ship (u). No part of any berth shall be placed within nine inches of any water-closet erected in the between-decks. In cases of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling (t).

Single men to be berthed in a separate compartment.

22. In every "passenger ship" all the male passengers of the age of fourteen years and upwards who shall not occupy berths with their wives shall, to the satisfaction of the emigration officer at the port of clearance, be berthed in the fore part of the ship, in a compartment divided off from the space appropriated to the other passengers by a substantial and well-secured bulk-head, without opening into, or communication with, any adjoining passenger berth, or in separate rooms if the ship be fitted with enclosed berths: Not more than one passenger, unless husband and wife, or females or children under twelve years of age shall be placed in or occupy the same berth. In case of noncompliance with any of the requirements of this section, the owner, charterer or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling (t).

As to numbers and sexes in one berth.

Penalty.

Berths not to be removed till passengers landed.

23. No berths in a "passenger ship" occupied by passengers during the voyage shall be taken down until forty-eight hours after the arrival of such ship at the port of final discharge, unless all the passengers shall have

(t) See the M. S. Act, 1876, s. 20.
See also the M. S. Act, 1864, s. 301.

(u) Sect. 16.

voluntarily quitted the ship before the expiration of that time. In case of noncompliance with any of the requirements of this section, the master of such ship shall be liable for each offence to a penalty not exceeding fifty pounds nor less than five pounds sterling.

24. In every "passenger ship" there shall be a sufficient space properly divided off to the satisfaction of the emigration officer at the port of clearance, to be used exclusively as an hospital or hospitals for the passengers: this space shall be under the poop, or in the round house, or in any deck house which shall be properly built and secured to the satisfaction of such emigration officer, or on the upper passenger deck, and not elsewhere, and shall in no case be less than eighteen clear superficial feet, for every fifty passengers which the ship shall carry. Such hospitals shall be fitted with bed-places, and supplied with proper beds, bedding, and utensils, to the satisfaction of the emigration officer at the port of clearance, and throughout the voyage kept so fitted and supplied. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling (x).

Space to be allotted as an hospital.

Penalty.

25. No "passenger ship" shall clear out or proceed to sea unless fitted, to the satisfaction of the emigration officer at the port of clearance, with at least two privies, and with two additional privies on deck for every one hundred passengers on board, and in ships carrying as many as fifty female passengers, with at least two water-closets under the poop, or elsewhere on the upper deck, to the satisfaction of such emigration officer, for the exclusive use of the women and young children; all of which privies and water-closets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of forty-eight hours after the arrival of the ship at the port of final discharge, unless all the passengers sooner quit the ship; provided that such privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number. In case of noncompliance with any of the requirements of this section, the master shall be liable to a penalty for each offence not exceeding fifty pounds nor less than five pounds sterling (x).

Regulation as to construction of privies.

26. No "passenger ship" shall clear out or proceed to sea without such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require; nor if there are as many as one hundred passengers on board, without having an adequate and proper ventilating apparatus, to be approved by such emigration officer and fitted to his satisfaction; the passengers shall, moreover, have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to their use, and over each such hatchway there shall be erected such a boobyhatch or other substantial covering as shall, in the opinion of such emigration officer, afford the greatest amount of light and air, and of protection from wet, as the case will admit. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds nor less than twenty pounds.

As to light and ventilation.

Penalty on non compliance.

27. Every "passenger ship" shall carry throughout the voyage a number of boats according to the following scale (y); (that is to say.)

Regulations as to the carrying of boats;

Two boats for every ship of less than two hundred tons:

Three boats for every ship of two hundred and less than four hundred tons:

Four boats for every ship of four hundred and less than six hundred tons:

(x) See the M. S. Act, 1876, s. 20. the M. S. Act, 1854, s. 292, and the
(y) See the M. S. Act, 1876, s. 20, M. S. Act, 1873, s. 15, and *post*,
and *post*, "Forms," No. 33. See also "Forms," No. 42.

For the like purposes, the said *emigration commissioners, acting by and under the authority of one of her Majesty's principal secretaries of state* (g), from time to time, by any notice in writing issued under the hands of any two of such commissioners, and published in the *London Gazette*, may nevertheless declare what shall be deemed to be the length of voyage from the United Kingdom to any of the said hereinbefore-mentioned places, or to any other port or place whatsoever, and may fix such different lengths of voyage as they may think reasonable for such different descriptions of vessels as aforesaid (h).

Before clearance, provisions and water to be surveyed.

31. Before any "passenger ship" shall be cleared out the emigration officer at the port of clearance shall survey or cause to be surveyed by some competent person the provisions and water by this act required to be placed on board for the consumption of the passengers, and shall satisfy himself that the same are of a good and wholesome quality (i), and in a sweet and good condition, and are in quantities sufficient to secure

cargo in any passenger ship, subject to such conditions and directions as may be specified by such Secretary of State, of naval and military stores for the public service.

(g) Now the Board of Trade, see the M. S. Act, 1872, s. 6.

(h) The following notice under the provisions of this section was published in the *London Gazette* of the 7th of June, 1864:—

"Notice, under the Passengers Act, 1855, reducing the declared length of voyage to North America, for certain passenger steam ships.

"Whereas by the thirtieth section of the Passengers' Act, 1855, it is enacted that, for the purposes of the act, the length of voyage for a passenger ship proceeding from the United Kingdom to the several places therein mentioned shall be determined by a scale therein set forth, and that, for the like purposes, the Emigration Commissioners, acting by and under the authority of one of her Majesty's principal secretaries of state, by notice in writing issued under the hands of any two of such commissioners, and published in the *London Gazette*, may nevertheless declare what shall be deemed to be the length of voyage from the United Kingdom to any of such places, or to any other place whatsoever, and may fix such different lengths of voyage as they may think reasonable for different descriptions of vessels.

"And whereas in the scale set forth in the said act, the length of voyage from the United Kingdom to North America (except the west coast thereof) is declared to be, for ships propelled, either wholly or in aid of sails, by steam engines of not less power than sufficient, without the aid of sails, to propel the ship after the rate of five statute miles an hour, forty days if

the ship clears out between the sixteenth day of January and the fourteenth day of October, both days inclusive, and forty-five days if the ship clears out between the fifteenth day of October and the seventeenth day of January, both days inclusive.

"And whereas it is expedient to reduce the length of voyage to North America, as regards passenger ships propelled by steam engines at a rate of not less than ten statute miles an hour.

"Now therefore, in exercise of the power thus vested in us, we, the undersigned, being her Majesty's Emigration Commissioners, having obtained the requisite authority in that behalf of her Majesty's Principal Secretary of State for the Colonies, do, by this notice, declare that the length of voyage from the United Kingdom to North America (except the West Coast thereof) shall, for the purposes of the said Passengers' Act, 1855, be as follows: that is to say,—For passenger ships propelled by steam engines of sufficient power to propel the ship without the aid of sails at the rate of not less than ten statute miles an hour, if the ship clears out between the sixteenth day of January and the fourteenth day of October, both days inclusive, thirty-two days; and if the ship clears out between the fifteenth day of October and the fifteenth day of January, both days inclusive, thirty-seven days.

"Given under our hands this fourth day of June, one thousand eight hundred and sixty-four.

"T. W. C. MURDOCH,

"S. WALCOTT,

"Her Majesty's Emigration Commissioners.

"Government Emigration Board,
8, Park Street, Westminster."

(i) See the M. S. Act, 1864, s. 221.

throughout the voyage the issues hereinafter prescribed (j): In addition to the allowance of pure water for the use of each passenger there shall be shipped for cooking purposes an additional supply of pure water after the rate of at least ten gallons for every day of the prescribed length of voyage for every one hundred statute adults on board; and also for the use of the crew and all other persons on board an ample supply of wholesome provisions and pure water, which shall not be inferior in quality to the supply of the same articles provided for the consumption of the passengers: all such water, provisions, and stores shall be provided and properly stowed away in accordance with the requirements of the twenty-ninth section of this act, by and at the expense of the owner, charterer, or master of the ship; and if a clearance be obtained for any "passenger ship" which shall not be then stored with the requisite quantities of such water, provisions, and stores, as are required by this act, the owner, charterer, or master of such ship, or any of them, shall for each offence be liable to a penalty not exceeding three hundred pounds sterling.

Provisions for the crew not to be inferior to those for the passengers.

Penalty.

32. If such emigration officer shall consider that any of the provisions or stores or water are not of a good and wholesome quality, or are not in a sweet and good condition, it shall be lawful for him to reject and mark the same, or the packages or vessels in which they are contained, and to direct the same to be landed or emptied; and if such rejected provisions or stores or water shall not thereupon be forthwith landed or emptied, or if, after being landed, the same or any part thereof shall be reshipped in such ship, the owner, charterer, or master thereof, or any of them, or if reshipped in any other "passenger ship," the person causing the same to be reshipped shall for each offence be liable to a penalty not exceeding one hundred pounds sterling (g).

Power to emigration officer to reject and mark bad provisions, and direct the same to be landed, and if re-shipped parties liable to a penalty.

33. In every "passenger ship" the water to be laden on board, as hereinbefore required, shall be carried in tanks or in casks to be approved by the emigration officer at the port of clearance. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water casks shall not be made of fir, pine, or soft wood (k). In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of such ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds (l).

Water tanks or casks to be approved by emigration officer.

34. If any "passenger ship" shall be intended to call at any intermediate port or place during the voyage, for the purpose of taking in water, and if an engagement to that effect shall be inserted in the bond mentioned in the sixty-third section of this act, then it shall be sufficient to place on board at the port of clearance such supply of water as may be requisite, according to the rate hereinafter mentioned, for the voyage of the said ship to such intermediate port or place, subject to the following conditions; (that is to say,)

Provision for touching at intermediate ports to fill up water.

First, That the emigration officer signify his approval in writing of the arrangement, to be carried amongst the papers of the ship, and exhibited to the chief officer of customs, or to her Majesty's consular officer, as the case may be, at such intermediate port or place, and to be delivered to the chief officer of customs, or to her Majesty's consular officer, as the case may be, on the arrival of the said ship at the final port or place of discharge.

Secondly, That if the length of either portion of the voyage, whether to such intermediate port or place, or from such intermediate port or place to the final port or place of discharge, be not prescribed in or under the provisions of this act, the emigration officer at the port of

(j) Sect. 35.

(k) See *post*, "Forms," No. 35.

(l) See the M. S. Act, 1876, s. 20.

clearance shall in every such case declare the same in writing to be carried amongst the papers of the ship:

Thirdly, That the ship shall have on board at the time a clearance is demanded tanks, or water casks, of the description hereinbefore mentioned, sufficient for stowing the quantity of water required for the longest of such portions of the voyage as aforesaid (l).

Dietary scales
of provisions.

35. The master of every "passenger ship" shall, during the voyage, including the time of detention at any place before the termination thereof, issue to each passenger, or, where the passengers are divided into messes, to the head man for the time being of each mess on behalf and for the use of all the members thereof, an allowance of pure water and sweet and wholesome provisions, of good quality, according to the following dietary scale; (that is to say,) if the length of the voyage, computed as hereinbefore mentioned, shall not exceed eighty-four days for ships propelled by sails only, or fifty days for ships propelled by steam, or steam in aid of sails, then according to the dietary scale marked "A.;" but if the length of the voyage, computed as aforesaid, shall exceed eighty-four days for ships propelled by sails only, or fifty days for ships propelled by steam, or steam in aid of sails, then according to the dietary scale marked "B."

Water.

Three quarts of water daily to each statute adult, exclusive of the quantity hereinbefore specified as necessary for cooking the articles hereinafter required to be issued in a cooked state.

Provisions.

Weekly, per statute adult:—

	SCALE A. For voyages not exceeding 84 days for sailing vessels, or 50 days for steamers.	SCALE B. For voyages exceeding 84 days for sailing vessels, or 50 days for steamers.
	lbs. oz.	lbs. oz.
Bread or biscuit, not inferior in quality to navy biscuit	3 8	3 8
Wheaten flour	1 0	2 0
Oatmeal	1 8	1 0
Rice	1 8	0 8
Peas	1 8	1 8
Potatoes	2 0	2 0
Beef	1 4	1 4
Pork	1 0	1 0
Tea	0 2	0 2
Sugar	1 0	1 0
Salt	0 2	0 2
Mustard	0 $\frac{1}{2}$	0 $\frac{1}{2}$
Black or white pepper, ground	0 $\frac{1}{2}$	0 $\frac{1}{2}$
Vinegar	one gill.	one gill.
Lime juice (m) . . . . .	.. ..	0 6
Preserved meat . . . . .	.. ..	1 0
Suet . . . . .	.. ..	0 6
Raisins . . . . .	.. ..	0 8
Butter . . . . .	.. ..	0 4

Substitutions (n).

Substitutions at the following rates may, at the option of the master of any "passenger ship," be made in the above dietary scales, that is to say:—

1 lb. of preserved meat . . . for 1 lb. of salt pork or beef.

(l) See the M. S. Act, 1876, s. 20.

ss. 4—6.

(m) See the Passengers Act, 1863,
s. 9, and the M. S. Act, 1867,

(n) See the Passengers Act, 1863,
s. 10.

1 lb. of flour or of bread or biscuit, or $\frac{1}{2}$ lb. of beef or of pork	for	$1\frac{1}{2}$ lb. of oatmeal or 1 lb. of rice or 1 lb. of peas.
1 lb. of rice	for	$1\frac{1}{2}$ lb. of oatmeal, or <i>vice versa</i> .
$\frac{1}{2}$ lb. of preserved potatoes	for	1 lb. of potatoes.
10 oz. of currants	for	8 oz. of raisins.
$3\frac{1}{2}$ oz. of cocoa or of coffee, roasted and ground	for	2 oz. of tea.
$\frac{3}{4}$ lb. of treacle	for	$\frac{1}{2}$ lb. of sugar.
1 gill of mixed pickles	for	1 gill of vinegar.

Provided, that the substituted articles be set forth in the contract tickets (o) of the passengers. In case of noncompliance with any of the requirements of this section, the master of the ship shall be liable for each offence to a penalty not exceeding fifty pounds sterling. Penalty on non-compliance.

36. The messes into which the passengers in any passenger ship may be divided shall not consist of more than ten statute adults in each mess, and members of the same family, whereof one at least is a male adult, shall be allowed to form a separate mess. The provisions according to the above scale shall be issued, such of them as require to be cooked, in a properly cooked state, daily before two o'clock in the afternoon, to the head person for the time being of each mess on behalf and for the use of the members thereof. The first of such issues shall be made before two o'clock in the afternoon of the day of embarkation to or for such passengers as shall be then on board (p). In case of noncompliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds. Size of messes.

Provisions to be issued daily, and articles which require cooking to be cooked.

37. The said emigration commissioners for the time being, acting under the authority of one of her Majesty's principal secretaries of state (q), may from time to time, by any notice for that purpose, issued under the hands of any two of such commissioners, and published in the *London Gazette*, authorize the issue of provisions in any "passenger ship" according to such other dietary scale (besides that hereinbefore prescribed) as shall in their opinion contain in the whole an equivalent amount of wholesome nutriment; and after the publication of such notice it shall be lawful for the master of any "passenger ship" to issue provisions to his passengers either according to the scale by this act prescribed, or according to the scale authorized by the said commissioners, whichever may have been set forth in the contract tickets of the passengers: Provided always, that the said commissioners acting under such authority and (r) by such notice as aforesaid may revoke or alter any such dietary scale authorized by them, as occasion may require (s). Power to emigration commissioners to authorize an alternative dietary scale.

Power to commissioners to alter dietary scale.

(o) Sect. 71.

(p) See the M. S. Act, 1876, s. 20.

(q) Now the Board of Trade, see the M. S. Act, 1872, s. 5.

(r) The words in italics in this section are repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66), as to all her Majesty's dominions.

(s) The following notice under this section was published in the *London Gazette* on the 29th of April, 1856:—

"Notice on the Dietary Scale under the Passengers Act, 1855.

"Whereas by the 37th section of the Passengers Act, 1855, the Emigration Commissioners, acting under the authority of one of her Majesty's principal secretaries of state, may, by a notice

issued under the hands of any two of them, and published in the *London Gazette*, authorize the issue of provisions in any passenger ship according to such dietary scale, other than that prescribed in the act, as the said Commissioners shall consider to contain in the whole an equivalent amount of wholesome nutriment; and after the publication of such notice, it shall be lawful for the master of any passenger ship to issue provisions to his passengers according to the scale prescribed in the said act, or according to the scale authorized by the said Commissioners, whichever may have been set forth in the contract tickets of the passengers.

"Now, in exercise of the power thus

As to passengers' stewards.

38. Every "passenger ship" carrying as many as one hundred passengers shall have on board a seafaring person, who shall be rated in the ship's articles as passengers' steward, and who shall be approved by the emigration officer at the port of clearance, and who shall be employed in messing and serving out the provisions to the passengers, and in assisting to maintain cleanliness, order, and good discipline among the passengers, and who shall not assist in any way in navigating or working the ship. In case of noncompliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling (g).

Penalty on noncompliance.

As to passenger cooks and cooking apparatus.

39. Every "passenger ship" carrying as many as one hundred passengers shall also have on board a seafaring man, or if carrying more than three hundred "statute adults," two seafaring men, to be rated and approved as in the case of passengers' stewards, who shall be employed in cooking the food of the passengers: A convenient place for cooking shall also be set apart on deck; and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the said emigration officer, together with a proper supply of fuel adequate, in his opinion, for the intended voyage. In case of noncompliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling (g).

Penalty on noncompliance.

vested in us, we, the undersigned Emigration Commissioners, having obtained the requisite authority in that behalf of her Majesty's principal secretary of state for the colonies, do by this notice authorize, from this date, the issue of provisions in any passenger ship proceeding on any voyage of which the length computed, as in the said act mentioned, shall exceed eighty-four days for ships propelled by sails only, or fifty days for ships propelled by steam, or steam in aid of sails, according to the subjoined scale marked C, instead of according to the scale marked B, in the 37th section of the said act; provided that such substituted scale be set forth in the contract tickets of the passengers.

"DIETARY SCALE C.

For Voyages exceeding eighty-four days for Sailing Vessels, of fifty days for Steamers.

	lb.	oz.
Beef or pork, or partly one and partly the other	2	4
Preserved meat	1	0
Suet	0	6
Butter	0	4
Bread or biscuit, not inferior in quality to Navy biscuit	2	8
Wheaten flour, not inferior to best seconds	3	8
Oatmeal, rice, and peas, or any two of them	2	0
Potatoes	2	0
Raisins	0	6
Tea	0	2
Sugar	1	0

Per week per statute adult.

Salt	lb.	oz.
Mustard	0	2
Pepper, black or white, ground	0	4
Preserved and dried vegetables, that is, cabbages, carrots, turnips, onions, celery, and mint, or some one or more of them	Two portions	
Vinegar or mixed pickles	1 gill	

Per week per statute adult.

With such power of substitution in the above articles as is given in the 37th section of the Passengers Act, 1855.

For Children between one and four years of age, in addition to half rations of the above-named articles.

	Per week.
Preserved milk	3 gills
Condensed egg	1 oz.
Or fresh eggs	3

For Children between four and twelve months of age.

	Per week.
Water	21 pints
Preserved milk	7 gills
Preserved soup	9 oz.
Condensed egg	1 "
Or fresh eggs	3
Biscuit	12 oz.
Oatmeal	4 "
Flour	8 "
Rice	4 "
Sugar	10 "

"Given under our hands this 26th day of April, 1856.

"T. W. C. MURDOCH,

"C. ALEXANDER WOOD,

"Emigration Commissioners.

"Emigration Commission,
8, Park Street, Westminster."

(g) See the M. S. Act, 1876, s. 20.

40. In every foreign "passenger ship" in which as many as one-half of the passengers shall be British subjects, unless the masters and officers or not less than three of them shall understand and speak intelligibly the English language, there shall be carried, where the number of passengers does not exceed two hundred and fifty, one person, and where it exceeds two hundred and fifty, two persons, who understand and speak intelligibly the language spoken by the master and crew and also the English language, and such persons shall act as interpreters, and be employed exclusively in attendance on the passengers, and not in the working of the ship; and no such ship shall clear out or proceed to sea without having such interpreter or interpreters on board; and the master of any such foreign ship clearing out or proceeding to sea without having such interpreter or interpreters on board as aforesaid shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling.

In what cases interpreters to be carried.

Penalty.

41. Every "passenger ship" shall in the following cases^(r) carry a duly qualified medical practitioner, who shall be rated on the ship's articles:

In what cases a medical man must be carried.

First, when the duration of the intended voyage, as hereinbefore computed, exceeds eighty days in the case of ships propelled by sails, and forty-five days in the case of ships propelled by steam, and the number of passengers on board exceeds fifty:

Second, whenever the number of persons on board (including cabin passengers, officers, and crew) exceeds three hundred:

In case of noncompliance with any of the requirements of this section, the master shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than twenty pounds sterling.

Penalty.

42. No medical practitioner shall be considered to be duly qualified for the purposes of this act unless authorized by law to practise in some part of her Majesty's dominions, or in the case of a foreign ship, in the country to which such ship may belong, as a physician, surgeon, or apothecary, nor unless his name shall have been notified to the emigration officer at the port of clearance, and shall not be objected to by him, nor unless he shall be provided with proper surgical instruments to the satisfaction of such officer: Provided nevertheless, that where the majority of the passengers in any "passenger ship," or as many as three hundred, are foreigners, any medical practitioner who may be approved by such emigration officer may be carried therein. In case any person shall proceed or attempt to proceed as medical practitioner in any "passenger ship" without being duly qualified as aforesaid, or contrary to any of the requirements of this section, such person and all persons aiding or abetting therein shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than ten pounds sterling.

Qualification of medical man.

Penalty.

43. The owner or charterer of every "passenger ship" shall provide^(s) for the use of the passengers a supply of medicines, medical comforts, instruments, and other things proper and necessary for diseases and accidents incident to sea voyages, and for the medical treatment of the passengers during the voyage, including an adequate supply of disinfectant fluid or agent, together with printed or written directions for the use of the same respectively; and such medicines, medical comforts, instruments and other things shall, in the judgment of the emigration officer at the port of clearance, be good in quality, and sufficient in quantity, for the probable exigencies of the intended voyage, and shall be properly packed and placed under the charge of the medical practitioner, when there is one on board, to be used at his discretion. In case of noncompliance with any of the requirements of this section, the master of the ship shall for each offence

Medicines and medical comforts.

Penalty.

^(r) See *post*, "Orders in Council." See also the M. S. Act, 1854, s. 230.

^(s) See the M. S. Act, 1867, ss. 4—7, the M. S. Act, 1876, s. 20, and *post*, "Forms," Nos. 36, 37.

be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling (s).

Medical inspection of passengers and medicines, &c.

44. No "passenger ship," except as hereinafter provided, shall clear out or proceed to sea until some medical practitioner, to be appointed by the emigration officer at the port of clearance, shall have inspected such medicines, medical comforts, and other articles as are required to be supplied by the last preceding section, and also all the passengers and crew (t) about to proceed in the ship, and shall have certified to the said emigration officer, that the said ship contains a sufficient supply of medicines, medical comforts, disinfecting fluid or agent, instruments, and other things requisite for the medical treatment of the passengers during the intended voyage, nor until such medical practitioner shall have certified, and the said emigration officer shall be satisfied, that none of the passengers or crew appear, by reason of any bodily or mental disease, unfit to proceed, or likely to endanger the health or safety of the other persons about to proceed in such vessel. Such medical inspection of the passengers shall take place either on board the vessel, or, at the discretion of the said emigration officer, at such convenient place on shore before embarkation as he may appoint; and the master, owner, or charterer of the ship shall pay to such emigration officer a sum at the rate of twenty shillings for every hundred persons so examined (u): Provided also, that in case the emigration officer on any particular occasion shall be unable to obtain the attendance of a medical practitioner, it shall be lawful for the master of any such ship to clear out and proceed to sea, on receiving from the said emigration officer written permission for the purpose. In case any "passenger ship" shall clear out or proceed to sea without having complied with all the requirements of this section, the master of such ship shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than five pounds sterling.

Penalty.

Relanding of passengers on account of sickness or for purifying ships.

45. If the emigration officer at any port shall be satisfied that any person on board or about to proceed in any "passenger ship" is by reason of sickness unfit to proceed, or is for that or for any other reason likely to endanger the health or safety of the other persons on board, the said emigration officer shall prohibit the embarkation of such person, or if embarked shall require him to be relanded; and if such emigration officer shall be satisfied that it is necessary, for the purification of the ship or otherwise, that all or any of the passengers or persons on board should be relanded, the said emigration officer may require the master of the ship to reland all such passengers or persons, and the master shall thereupon reland such passengers or persons, with so much of their effects and with such members of their families as cannot in the judgment of such emigration officer be properly separated from them; and in case of noncompliance with any of the requirements of this section, the master, owner or charterer of the ship shall for each offence be liable to a penalty not exceeding two hundred pounds nor less than ten pounds; and any passenger or person embarking after such prohibition, or refusing or neglecting to leave the ship when so directed to be relanded, shall be liable to be summarily removed, and to a penalty not exceeding forty shillings for each day which he shall remain on board after the giving of such prohibition or direction.

Penalty.

Passengers' Rights.

As to return of passage

46. Any passenger (v) so relanded on account of the sickness of himself or of any member of his family who may not be re-embarked and finally sail in such ship, or any emigration officer on his behalf, shall be entitled

(s) See the M. S. Act, 1876, s. 20.
(t) See the M. S. Act, 1867, s. 10.
(u) See the M. S. Act, 1872, s. 15; the M. S. Act, 1873, s. 30; the M. S. Act, 1876, s. 39; and *post*,

"General Table of Fees charged under the authority of the Board of Trade."
(v) See the Passengers Act, 1863, s. 11.

to recover, by summary process, the whole of the monies which may have been paid by or on account of such passenger for his passage and that of the members of his family so relanded, from the party to whom the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer.

money to passengers relanded on account of sickness, &c.

47. The master of any "passenger ship," from which the whole or any part of the passengers shall be relanded on account of any of the reasons mentioned in section 45, shall pay to each passenger so relanded (or if he shall be lodged and maintained in any hulk or establishment under the superintendence of the said emigration commissioners (x), then to the emigration officer at the port,) subsistence money at the rate of one shilling and sixpence a day for each statute adult until he shall be re-embarked or decline or neglect to proceed, or until his passage money, if recoverable under the forty-sixth section of this act, be returned to him.

Subsistence money to be paid to passengers relanded.

48. If any person by whom or on whose behalf any contract shall have been made for a passage in any ship proceeding on any voyage to which this act extends, shall be at the place of embarkation before six o'clock in the afternoon of the day of embarkation appointed in such contract, and shall, if required, pay the stipulated passage money, or the unpaid balance thereof, and if from any cause whatever, other than his own refusal, neglect, or default, or the prohibition of an emigration officer, as hereinbefore mentioned, or the requirements of any order in council, such passenger shall not be received on board before that hour, or if from any such cause as aforesaid any passenger who shall have been received on board shall not either obtain a passage in such ship to the port at which he may have contracted to land, or, together with all the immediate members of his family who may be included in such contract, obtain a passage to the same port in some other equally eligible ship, to sail within ten days from the expiration of the said day of embarkation, and in the meantime be paid subsistence money from the time and at the rate herein-after mentioned, such passenger, or any emigration officer on his behalf, shall be entitled to recover either from the party to whom or on whose account the same may have been paid, or (in case such contract shall have been made with the owner, charterer, or master of such ship, or with any person acting on behalf or by the authority of any of them respectively,) from such owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer, all monies which shall have been paid by or on account of such passengers for such passage, and also such further sum, not exceeding ten pounds in respect of each such passage, as shall, in the opinion of the justices of the peace who shall adjudicate on the complaint, be a reasonable compensation for the loss or inconvenience occasioned to such passenger by the loss of such passage.

Return of passage money and compensation to passengers where passages not provided for them according to contract.

49. If any ship, whether a "passenger ship" or otherwise, shall not actually put to sea, and proceed on her intended voyage before three o'clock in the afternoon of the day next after the said day of embarkation, the owner, charterer, or master of such ship, or his or their agent, or any of them, at the option of such passenger or emigration officer, shall pay to every passenger entitled to a passage (or if such passenger shall be lodged and maintained in any establishment under the superintendence of the said emigration commissioners (x), then to the emigration officer at the port of embarkation,) subsistence money after the rate of one shilling and sixpence for each statute adult in respect of each day of delay for the first ten days, and afterwards three shillings a day for each statute adult, until

Subsistence in case of detention.

(x) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

the final departure of such ship on such voyage, and the same may be recovered in manner hereinafter mentioned; provided that if the passengers be maintained on board in the same manner as if the voyage had commenced, no such subsistence money shall be payable for the first two days next after the said day of embarkation, nor if they shall be maintained shall such subsistence money be payable if the ship be unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master.

Ships putting back to replenish provisions, &c.

50. If any "passenger ship" shall, after clearance, be detained in port for more than seven days, or shall put into or touch at any port or place in the United Kingdom, she shall not put to sea again until there shall have been laden on board, at the expense of the owner, charterer, or master of such ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical comforts and stores, as may be necessary to make up the full quantities of those articles hereinbefore required to be laden on board for the intended voyage (z), nor until any damage she may have sustained shall have been effectually repaired, nor until the master of the said ship shall have obtained from the emigration officer or his assistant, or, where there is no such officer, or in his absence, from the officer of customs at such port or place, a certificate to the same effect as the certificate hereinbefore required to enable the ship to be cleared out; and in case of any default herein the said master shall be liable, on conviction, as hereinafter mentioned, to a penalty not exceeding one hundred pounds nor less than fifty pounds sterling: and if the master of any "passenger ship" so putting into or touching at any port or place as aforesaid shall not within twelve hours thereafter report, in writing, his arrival, and the cause of his putting back, and the condition of his ship, and of her stores and provisions, to the emigration officer, or, as the case may be, to the officer of customs at the port, and shall not produce to such officer the official or "master's list" of passengers (a), such master shall for each offence be liable to a penalty not exceeding twenty pounds nor less than two pounds sterling (b).

Penalty on master for default.

Ships putting back to be reported to emigration officer.

Penalty on master for neglect.

In case of wreck or damage passengers to be provided with a passage by some other vessel, and maintained in the meantime.

51. If any "passenger ship" shall put into any port or place in the United Kingdom in a damaged state, and the master, charterer, or owner shall not give a written undertaking that the said ship shall be made sound and seaworthy, and shall within six weeks from the day of her so putting into such port or place again proceed with her passengers on her intended voyage, and if the said ship shall not accordingly be made seaworthy and proceed on her intended voyage within that period, or if any such ship shall after the commencement of her voyage be wrecked, sunk, or otherwise destroyed, or shall from any cause whatsoever not land her passengers at the place where they may have respectively contracted to land, the owner, charterer, or master thereof shall provide the passengers with a passage in some other eligible ship to sail within six weeks to the port or place at which they respectively may have originally contracted to land, and shall in the meantime, if the passengers be not lodged and maintained on board in the same manner as if the ship were at sea, pay to such passengers (or if such passengers shall be lodged or maintained in any hulk or establishment under the superintendence of the said emigration commissioners (c), then to the emigration officer at such port or place,) subsistence money after the rate of one shilling and sixpence sterling for each statute adult in respect of each day of delay until such

(z) See the M. S. Act, 1876, s. 20.

(a) Sects. 16, 17.

(b) As to an appeal on a refusal of the certificate mentioned in this sec-

tion to a court of survey, see the M. S. Act, 1876, s. 14.

(c) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

passengers are duly forwarded to their destination; and if default shall be made in any of the requirements of this section, such passengers respectively, or any emigration officer on their behalf, shall be entitled to recover, by summary process, as hereinafter mentioned, all monies which shall have been paid by or on account of such passengers or any of them for such passage, from the party to whom or on whose account the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer: Provided that the said emigration officer may, if he shall think it necessary, direct that the passengers shall be removed from such "passenger ship" at the expense of the master thereof; and if after such direction any passenger shall refuse to leave such ship, he shall be liable to a penalty not exceeding forty shillings or to imprisonment not exceeding one calendar month (d).

In default, passage money to be returned.

Power to remove passengers from ship; penalty on passengers refusing.

52. If the passengers or cabin passengers of any "passenger ship" shall be taken off from any such "passenger ship" or shall be picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed shall be in the United Kingdom, for one of her Majesty's principal secretaries of state, or, if in any of her Majesty's colonial possessions, for the governor of such colony, or for any person authorized by him for the purpose, or, if in any foreign country, for her Majesty's consular officer at such port or place therein, to defray all or any part of the expenses thereby incurred (e).

Secretary of State, &c. may pay expenses of taking off passengers at sea.

53. If any passenger or cabin passenger of any "passenger ship" shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that at which he may have contracted to land, it shall be lawful for the governor of such colony, or for any person authorized by him for the purpose, or for her Majesty's consular officer at such foreign port or place, as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the governor or consular officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such passenger or cabin passenger to his original destination, and unless such master shall accordingly forward or carry him on within that period (f).

Governors or consuls may send on passengers if the master of the ship fail to do so.

54. All expenses incurred under the last two preceding sections or either of them, by or by the authority of such secretary of state, governor, or consular officer, as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions, and stores, shall become a debt to her Majesty and her successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of her Majesty, in like manner as in the case of other crown debts; and a certificate purporting to be under the hand of any such secretary of state, governor, or consular officer (as the case may be), stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the handwriting or of the official character of such secretary of state, governor, or consular officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: provided nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount

Expenses incurred under the two preceding sections to be a crown debt.

(d) This section is repealed by the Passengers Act, 1863, s. 12, except as therein mentioned. See the Passengers Act, 1863, s. 14.

(e) See the Passengers Act, 1863,

s. 16.

(f) This section is repealed by the Passengers Act, 1863, s. 12, except as therein mentioned. See the Passengers Act, 1863, s. 15.

Passengers forwarded by governor, &c. not entitled to return of passage money. of passage money received by the owner, charterer, or master of such passenger ship, or any of them, from or on account of the whole number of passengers and cabin passengers who may have embarked in such ship; which total amount of passage money shall be proved by the defendant, if he will have the advantage of this limitation of the debt; but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage under the provisions of this act (a).

Insurance of passage money not to be void on account of the nature of the risk. 55. No policy of assurance effected in respect of any passages, or of any passage or compensation monies (b), by any person by this act made liable, in the events aforesaid, to provide such passages or to pay such monies, or in respect of any other risk under this act, shall be deemed to be invalid by reason of the nature of the risk or interest sought to be covered by such policy of assurance.

Penalty on wrongfully landing passengers. 56. If any passenger in any ship, whether a "passenger ship" or otherwise, shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing shall be rendered necessary by perils of the sea, or other unavoidable accident, the master shall for each offence be liable to a penalty not exceeding fifty pounds nor less than ten pounds sterling.

Passengers to be maintained for 48 hours after arrival. 57. Every passenger in a "passenger ship" shall be entitled for at least forty-eight hours next after his arrival at the end of his voyage, to sleep in the ship, and to be provided for and maintained on board thereof in the same manner as during the voyage, unless within that period the ship shall quit such port or place in the further prosecution of her voyage. In case of noncompliance with any of the requirements of this section, the master shall for each offence be liable to a penalty not exceeding five pounds sterling.

Passengers' right of action preserved. 58. Nothing herein contained shall take away or abridge any right of action which may accrue to any passenger in any ship, or to any other person, in respect of the breach or nonperformance of any contract made or entered into between or on behalf of any such passenger or other person, and the master, charterer, or owner of any such ship, or his or their agent, or any passage broker.

Miscellaneous. 59. It shall be lawful for her Majesty, by any order in council, to prescribe such rules and regulations as to her Majesty may seem fit, for the following purposes; (that is to say,)

- Her Majesty may, by orders in council, prescribe rules for purposes herein described.**
- (1.) For preserving order, promoting health, and securing cleanliness and ventilation on board of "passenger ships" proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad (c).
 - (2.) For permitting the use on board of "passenger ships" of an apparatus for distilling water, and for defining in such case the quantity of fresh water to be carried in tanks or casks for the passengers (c).
 - (3.) For prohibiting emigration from any port or ports at any time when choleraic or any epidemic disease may be generally prevalent in the United Kingdom or any part thereof, or for reducing the number of passengers allowed to be carried in "passenger ships" generally, or from any particular ports, under the provisions of this act.

(a) This section is repealed by the Passengers Act, 1863, s. 12, except as therein mentioned. See the Passengers Act, 1863, s. 16.

(b) See *Gibson v. Bradford*, 4 E. & B. 586, and *Willis v. Cooke*, 5 E. & B. 641.

(c) See *post*, "Orders in Council."

- (4.) For requiring duly qualified medical practitioners to be carried in "passenger ships," in cases where they would not be required to be carried under the provisions of this act (d).

Any such order in council may from time to time in like manner be altered, amended and revoked, as occasion may require. Any copy of such order in council contained in the *London Gazette*, or purporting to be printed by the Queen's printer, shall throughout her Majesty's dominions be received in all legal proceedings as good and sufficient evidence of the making and contents of any such order in council (e).

Gazette and copies printed by Queen's printer to be evidence of orders, &c.

60. In every such "passenger ship" the medical practitioner on board, aided by the master thereof, or, in the absence of such medical practitioner, the master of such ship, is hereby empowered to exact obedience to all rules and regulations which may be prescribed by any such order in council to be observed on board passenger ships as aforesaid; and any person on board who shall neglect or refuse to obey any such rule or regulation, or who shall obstruct the medical practitioner or master of such ship in the execution of any duty imposed upon him by any such rule or regulation, or who shall offend against any of the provisions of this act, or who shall be guilty of riotous or insubordinate conduct, shall be liable for each offence to a penalty not exceeding two pounds sterling, and, in addition thereto, to be confined in the common gaol for any period not exceeding one month, at the discretion of the justices who shall adjudicate on the complaint.

Surgeon or master to exact obedience to rules and regulations. Penalty on refusal.

61. The said emigration commissioners (f) shall from time to time prepare such abstracts as they may think proper of the whole or any part of this act, and of any such order in council as aforesaid; and four copies of such abstracts, together with a copy of this act, shall, on demand, be supplied by the principal officer of customs at the port of clearance to the master of every "passenger ship" proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad; and such master shall, on request made to him, produce a copy of this act to any passenger on board, for his perusal, and, further, shall post, previous to the embarkation of the passengers, and shall keep posted so long as any passenger shall be entitled to remain in the ship, in at least two conspicuous places between the decks on which passengers may be carried, copies of such abstracts; and such master shall be liable to a penalty not exceeding forty shillings sterling for every day during any part of which by his act or default such abstracts shall fail to be so posted; and any person displacing or defacing such abstracts so posted shall be liable to a penalty not exceeding forty shillings sterling.

Emigration commissioners to prepare an abstract of act and orders in council.

Such abstract to be posted up in each ship.

Penalty on master for neglect;

and on person defacing abstract.

62. If in any "passenger ship" any person shall during the voyage, directly or indirectly, sell or cause to be sold any spirits or strong waters to any passenger, he shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than five pounds sterling.

Sale of spirits prohibited on board passenger ships. Penalty.

63. Before any "passenger ship" shall clear out or proceed to sea, the master, together with the owner or charterer of the ship, or, in the event of the absence of such owner or charterer, or if the master be the owner or charterer, one other good and sufficient person, to be approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond, in the sum of two thousand pounds (g), to her Majesty, her heirs and successors, according to the form contained in schedule (C) (h) hereto annexed. Such bond shall not be liable to stamp duty, and shall be executed in duplicate.

Bond to be given by masters of British and foreign passenger ships.

(d) See *post*, "Orders in Council." the M. S. Act, 1872, s. 5.
 (e) See the Documentary Evidence Act, 1868 (31 & 32 Vict. c. 37), s. 2. (g) See the Passengers Act, 1863, s. 17.
 (f) Now the Board of Trade; see (h) See *post*, "Forms," No. 32.

Counterpart of bond to be certified, and sent to the colony to which ship bound, and to be received in evidence without further proof of execution.

64. It shall be the duty of the chief officer of customs at the port of clearance of any "passenger ship" bound to any of her Majesty's possessions abroad, to certify on one part of such bond that it has been duly executed by the said master of such ship and the other obligor, and to forward the same by post to the colonial secretary of the colony to which such "passenger ship" may be bound; and such certificate shall, in any Colonial Court of Judicature in which the bond may be put in suit, be deemed conclusive evidence of the due execution of the bond by the said master and the other obligor, and it shall not be necessary to prove the handwriting of the officer of customs who may have signed such certificate, nor that he was at the time of signing it chief officer of customs at the port of clearance; Provided that no such bond shall be put in suit in any of her Majesty's possessions abroad after the expiration of three calendar months next after the arrival therein of the said ship, nor in the United Kingdom after the expiration of twelve calendar months next after the return of the said ship and of the said master to the United Kingdom.

In the absence of agreement to the contrary the owner to be responsible in respect of default.

65. In the absence of any agreement to the contrary, the owner shall be the party ultimately responsible, as between himself and the other persons hereby made liable in respect of any default in complying with the requirements of this act; and that (i) if any such last-mentioned person shall pay any monies hereby made payable to or on behalf of any such passengers as aforesaid, the person so paying the same shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs of suit.

Passage Brokers.

No person to act as a passage broker without a licence.

66. No person whatever shall directly or indirectly act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the sale or letting of passages in any ship, whether a "passenger ship" or otherwise, proceeding from the United Kingdom to any such place as aforesaid, unless such person, with two good and sufficient sureties to be approved by the emigration officer at the port nearest to the place of business of such person, shall have previously entered into a joint and several bond, in the sum of one thousand pounds to her Majesty, her heirs and successors, according to the form contained in schedule (D.) (j) hereto annexed, which bond shall be renewed on each occasion of obtaining such licence as hereinafter mentioned, and shall be in duplicate, without stamps, and one part thereof shall be deposited at the office in London of the said emigration commissioners (k), and the other part thereof with the emigration officer at the port nearest to the place of business of such person; nor unless such person shall have obtained a licence, as hereinafter mentioned, to let or sell passages, nor unless such licence shall then be in force; and if any person shall offend in any particular against this enactment, every person so offending shall for each offence be liable to a penalty not exceeding fifty pounds nor less than twenty pounds, to be sued for and recovered as hereinafter mentioned: Provided, that such bond shall not be required of any person who shall be one of the sworn brokers of the city of London (l): Provided also, that there shall be excepted from the operation of this section the said emigration commissioners, and any persons contracting with them, or acting under their authority, and also any person acting as the agent of any passage broker in pursuance of an appointment made in the form prescribed by schedule (I.) (j) hereto annexed, signed by such passage broker, and countersigned by such emigration officer as aforesaid:

Emigration commissioners and agents of passage brokers exempted from this section.

(i) The word "that" appears to be surplusage.

(j) See *post*, "Forms," No. 32.

(k) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

(l) See the London Brokers Relief Act, 1870 (33 & 34 Vict. c. 60).

Provided further, that the acts and defaults of any person acting under the authority or as agent of any passage broker shall, for the purposes of this act, be deemed to be also the acts and defaults of such passage broker: Provided also, that nothing hereinbefore contained shall be held or construed to prevent the said emigration officer from accepting the bond of a *guarantee society, such bond and (m)* such guarantee society as shall have been approved by the Lords Commissioners of her Majesty's Treasury, in lieu of the bond of two good and sufficient securities as aforesaid.

Passage brokers to be responsible for their agents.

67. Any person wishing to obtain a licence to act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being in the Mediterranean Sea, shall make application for the same to the justices at the petty sessions held for the district or place in which such person shall have his place of business; and such justices are hereby authorized (if they shall think fit) to grant a licence for that purpose, according to the form in the schedule (E.) (n) hereunto annexed, which licence shall continue in force until the thirty-first day of December, in the year in which such licence shall be granted, and for thirty-one days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such licence the justices shall cause a notice thereof according to the form in schedule (F.) (n) hereto annexed to be transmitted forthwith by the post to the said emigration commissioners (o) at their office in London: provided always, that no such licence shall be granted unless the party applying for the same shall show to the satisfaction of the justices that he has given such bond to her Majesty, her heirs and successors, as hereinbefore required, and has deposited one part thereof at the office in London of the said commissioners, or is a sworn broker of the city of London (p), and has in either case given notice to the said commissioners (o) fourteen clear days at least before such application of his intention to apply for the same, which notice shall be transmitted by the post to the office in London of the said commissioners, and shall be according to the form contained in the schedule (G.) (n) hereto annexed: Provided also, that any justices of the peace who shall adjudicate on any offence against this act, or on any breach or nonperformance of any of the requirements thereof, are hereby authorized, if they shall think fit, and the offender is a passage broker, to order his licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said justices making such order shall forthwith cause notice of such forfeiture, in the form contained in the schedule (H.) (n) hereunto annexed to be transmitted by the post to the said commissioners at their office in London: In Scotland, where any person wishing to obtain such licence shall make application for the same to the sheriff or steward or sheriff substitute or steward substitute, in place of to such justices of the peace as aforesaid, the forms given in the said schedules (D.), (E.), (F.), (G.) and (H.) respectively shall still be adhered to, with such alterations as may be necessary.

How passage brokers' licences may be obtained.

Justices to give notice to emigration commissioners of licence granted.

Notice to be given to emigration commissioners of intended application for licences.

Power to justices to order licences to be forfeited, who shall give notice of the same to emigration commissioners.

As to application for licences in Scotland.

68. Every passenger broker's licence in force at the commencement of this act shall, unless adjudged to be forfeited, continue in force until the first day of February, one thousand eight hundred and fifty-six, but no longer; and all acts done under such licence while in force shall be as valid as if done under any licence granted under this act (q).

Existing licences to continue in force until 1st Feb. 1856.

69. No passage broker shall employ as an agent in his business of passage broker any person not holding from him the appointment of agent

Passage brokers to employ no agents except

(m) The words in italics seem to have crept in by mistake.

(n) See *post*, "Forms," No. 32.

(o) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

(p) See the London Brokers Relief Act, 1870 (33 & 34 Vict. c. 60).

(q) Section 68 is repealed by the Statute Law Revision Act, 1875, (38 & 39 Vict. c. 66), as to all her Majesty's dominions.

those expressly appointed by them.

Agents to produce their appointments on demand.

Penalty on persons fraudulently inducing others to engage passages.

Contract tickets for cabin and other passengers.

Penalty for inducing any one to part with contract ticket.

Summary remedy for breach of contract.

as hereinbefore mentioned; and every person holding such appointment shall produce the same, on the demand of any emigration officer, or of any person treating for a passage under this act: for any breach or violation of this enactment in any particular, the offender shall be liable for each offence to a penalty not exceeding fifty pounds nor less than twenty pounds.

70. If any person shall by false representation as to the size of a ship, or otherwise, or by any false pretence or fraud whatsoever, induce any person to engage a passage in any ship, the person so offending shall for each offence be liable to a penalty not exceeding twenty pounds nor less than five pounds sterling.

71. Every person whatever, except the said emigration commissioners(r) and persons acting for them and under their direct authority, who shall receive money from any person for or in respect of a passage in any ship, or of a cabin passage in any "passenger ship" proceeding from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, shall give to the person paying such money a contract ticket, signed by the owner, charterer, or master of the ship or "passenger ship" (as the case may be) in which the passage is to be provided, or by some person in their or his name, and on their or his behalf: such contract ticket shall be made out in plain and legible characters on a printed form, which in the case of cabin passengers(s) shall be according to the form contained in schedule (K.) (t) hereto annexed, and in the case of all other passengers in the form contained in schedule (L.) (t) hereto annexed, or according to such other form as in either case may from time to time be prescribed by the said emigration commissioners(r) in any notice issued under their hands, or the hands of any two of them, and published in the *London Gazette*: and any directions contained on the face of such form of contract ticket shall be obeyed in the same manner as if herein set forth. In case of noncompliance with any of the requirements of this section, or of any of the directions on such form of contract ticket not inconsistent with this act, the person so offending shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling: Provided always, that such contract tickets shall not be liable to any stamp duty.

72. Any person who shall alter or cause to be altered, after it is once issued, or shall induce any person to part with, render useless, or destroy any such contract ticket, during the continuance of the contract which it is intended to evidence (except in the case of cabin passengers who may have consented thereto), shall be liable in each case to a penalty not exceeding twenty pounds sterling.

73. Any question which may arise respecting the breach or nonperformance of any of the stipulations in any such contract ticket, may, at the option of any passenger or cabin passenger interested therein, be heard and determined in a summary way by the justices of the peace, magistrates, sheriffs, or other officers hereinafter authorized to adjudicate on offences and complaints under the act, who are hereby authorized to try such questions, and if they shall find that a breach of contract has been committed, to award to the complainant such damages and costs as they may think fit, not exceeding in any case the amount of the passage money specified in such contract ticket and twenty pounds; and if such damages and costs be not at once paid, payment thereof shall thereupon be enforced, in the same manner and by the same processes as the payment of subsistence money, or the return of passage money, may be

(r) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

(s) See *Ellis v. Pearce*, 1 E. B. & E. 431.

(t) See *post*, "Forms," No. 32.

enforced under this act: provided that if any passenger shall have obtained compensation or redress, under any of the other provisions of this act, he shall not be entitled to sue under this section for damages for the same matter or cause of complaint.

74. If any cabin or other passenger shall, on demand of any emigration officer, refuse or omit to produce his contract ticket, or if any owner, charterer, or master of a ship shall on like demand refuse or omit to produce to any emigration officer in the United Kingdom the counterpart of any contract ticket issued by them, or on their behalf, for the inspection of such emigration officer, and for the purposes of this act, every person so offending against the requirements of this section shall for each offence be liable summarily to a penalty not exceeding ten pounds.

Penalty on cabin passengers and on masters, &c. omitting to produce contract tickets.

75. Any person who shall act as an "emigrant runner" without having previously been licensed and registered as hereinafter mentioned, or who while so acting shall omit to wear conspicuously on his breast such badge as hereinafter mentioned, or who shall employ as an "emigrant runner" any person not duly licensed and registered, shall for each offence be liable to a penalty not exceeding five pounds nor less than twenty shillings.

Penalty on persons acting as runners without licence and badge, and on passage brokers employing them.

76. The justices of the peace at any petty sessions held for the district or place within which any person wishing to act as an "emigrant runner" is to carry on his business may, upon the recommendation in writing of an emigration officer or of the chief constable or other head officer of police of such district or place (but not otherwise), grant, if they shall think fit, to such person wishing to act as runner a licence for that purpose according to the form in schedule (M.) (u) hereto annexed, and such runner shall within forty-eight hours thereafter (under a penalty not exceeding forty shillings for any default) lodge such licence with the nearest emigration officer, who shall register the name and abode of such runner in a book to be kept for that purpose, and shall number each name registered in arithmetical progression, and shall supply to such runner, on his paying a sum not exceeding seven shillings for the same, a badge of such form and description as shall be approved by the said emigration commissioners (v).

Mode of licensing and registering runners.

77. Every such "emigrant runner's" licence shall continue in force until the thirty-first day of December in the year in which it shall be granted, unless sooner revoked by any justice of the peace, for any offence against this act or for any other misconduct committed by the holder of such licence. In case of any renewed licence it shall be sufficient for the emigration officer to note the fact, and the date of the renewal, in his registry book against the original entry therein of the name of the runner holding such renewed licence.

Emigrant runner's licence to be renewed annually.

78. If any "emigrant runner" shall refuse or fail to produce, on demand, his badge for inspection, or to permit any person to take the number thereof, or if he shall fail within forty-eight hours to give to the emigration officer of the port or place within which he is licensed to act notice in writing of any change in his place of abode, in order that his new abode may be registered, or of the loss of his badge, or if he shall mutilate or deface his badge or wear the same while unlicensed, or wear any other than the one delivered to him by such emigration officer as aforesaid, or permit any other person to use his badge, he shall for each such offence be liable to a penalty not exceeding forty shillings and to the forfeiture of his licence, if the convicting justices or magistrate shall so determine; and any person retaining or using any "emigrant runner's"

Penalty on runner for certain acts of misconduct.

Penalty on persons using

(u) See *post*, "Forms," No. 32.

(v) Now the Board of Trade; see the M. S. Act, 1872, s. 6.

badges not lawfully issued to them.

How fresh badges may be obtained in case the old ones are lost or mutilated.

Runners not entitled to commission from any passage broker unless acting with his authority, nor from emigrants for procuring their passage.

List of runners to be exhibited by brokers and sent to emigration officers.

Trustees of docks may pass bye-laws for regulating the landing and embarkation of intending emigrants and for licensing emigrant porters.

Bye-laws to be approved by Secretary of State, and published in the London Gazette.

Penalty for falsifying documents to

badge not issued to him under the provisions of this act, or counterfeiting or forging any such badge, shall for each such offence be liable to a penalty not exceeding five pounds.

79. Such emigration officer as last aforesaid may, if he thinks fit, on payment to him of the sum of five shillings, deliver a new badge to any licensed "emigrant runner" who shall satisfy such officer that he has lost his original badge, or who shall deliver up the same in a mutilated or defaced state.

80. No "emigrant runner" shall be entitled to recover from any passage broker any fee, commission, or reward for or in consideration of any service connected with emigration, unless he shall be acting under the written authority of such passage broker, nor, under a penalty for each offence not exceeding five pounds, shall take or demand from any person about to emigrate any fee or reward for the procuring of his passage, or in any way relating thereto.

81. Every passage broker shall exhibit and keep constantly exhibited in some conspicuous place in his office or place of business a correct list, in plain and legible characters, containing the names and addresses in full of every person for the time being holding such authority to act as his agent or as an emigrant runner for him as aforesaid, and shall on or before the fifth day, or if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of such list, duly signed by him, to the emigration officer stationed nearest to the place of business of such licensed passage broker, and shall report to such emigration officer every discharge or fresh engagement of an agent or of an "emigrant runner" within twenty-four hours of the same taking place. In case of noncompliance with any of the requirements of this section, the person so offending shall be liable for each offence to a penalty not exceeding five pounds nor less than two pounds.

82. It shall be lawful for the trustees or other persons charged with the management of any docks or basins in any port within the United Kingdom from which "passenger ships" are despatched to make, and from time to time to alter, amend or repeal, such rules and bye-laws as may be necessary for prescribing the docks, basins or other places at which persons arriving by sea at such ports for the purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the mode of their landing and embarkation, and for licensing porters to carry their luggage and otherwise to attend upon them, and for the storing and safe custody of their luggage, and for admitting persons to and excluding persons from access to such docks or basins, and for attaching a penalty not exceeding five pounds for the breach of any of such rules or bye-laws, such penalty to be sued for and recovered as other penalties are by this act directed to be recovered, except that instead of an emigration officer such trustees or other persons as aforesaid shall sue for and recover the same; and it shall further be lawful for such trustees, by their officers or servants, or by any police officer, to arrest and detain any person charged with the breach of any such rule or bye-law until brought before any justice of the peace, who is hereby authorized to adjudicate on the offence in a summary way: provided that no such rules or bye-laws shall take effect until they shall have been approved by one of her Majesty's principal secretaries of state, and published by his authority in the *London Gazette*, which publication shall for all purposes be deemed conclusive evidence of such rules and bye-laws, and of the approval thereof by such secretary of state.

83. And whereas the said emigration commissioners (x) and persons acting under their authority issue from time to time certain forms of appli-

(x) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

cation and other papers for the use of persons desirous of emigrating by their assistance: and whereas it is expedient to afford additional security against the falsification or misuse of such forms and papers, and of any certificate of marriage or of birth or baptism, or other document or statement adduced in support of any application to the said commissioners for such assistance; be it therefore enacted, that if any person shall falsely represent himself to be or falsely assume to act as the agent of the said commissioners, or shall sell any such form of application, paper or embarkation order, or shall wilfully make any false representation in any such form of application, paper, certificate, or document as aforesaid, or shall forge or fraudulently alter any signature or statement contained therein respectively, or shall personate any person named therein respectively, or shall aid or in any way abet any person in any such false representation, forgery, alteration, or personation, the person so offending shall be liable for each such offence to a penalty not exceeding fifty pounds nor less than two pounds sterling (y).

obtain passages from emigration commissioners, and for personation.

Procedure for Penalties, &c.

84. All penalties and forfeitures imposed by this act shall be sued for in the United Kingdom by any emigration officer or his assistant, or by any person authorized thereto by the said emigration commissioners under the hands of any two of them, or by any collector or comptroller of her Majesty's customs, or by any other officer of her Majesty's customs authorized thereto in writing by the commissioners of her Majesty's customs, and in any of her Majesty's possessions abroad by any government emigration officer or agent, or by any such collector or comptroller of customs, or other officer of customs so authorized as aforesaid, or by any officer authorized to sue for penalties and forfeitures under this act by writing under the hand and seal of the governor of any such possession; and the said emigration commissioners, and the commissioners of her Majesty's customs, and every such governor, are hereby respectively empowered to grant such authority as aforesaid: and all sums of money made recoverable by this act as return of passage money, subsistence money, damages or compensation may be sued for and recovered by and for the use of any passenger entitled thereto under this act, or by any such officer as aforesaid, for and on behalf and to the use of any such passenger or any number of such passengers respectively, and in any case either by one or several informations or complaints.

By whom penalties are to be recovered.

By whom passage, subsistence, and compensation monies may be recovered.

85. All penalties imposed and all sums of money made recoverable under this act, by way of passage money, subsistence money, compensation or damages for the breach of any stipulation in any contract ticket, shall and may be sued for and recovered before any two or more justices of the peace acting in any part of her Majesty's dominions or possessions in which the offence shall have been committed or the cause of complaint shall have arisen, or in which the offender or party complained against shall happen to be, or acting in any county or borough, or place adjacent to any navigable river or inlet of the sea on which such offence shall have been committed or cause of complaint have arisen; and upon information or complaint made before any one justice of the peace acting as aforesaid, he shall issue a summons, according to the form in the schedule (N.) (z) hereto annexed, requiring the party offending or complained against to appear at a time and place to be named therein; and every such summons shall be served on the party offending or complained against, or shall be left at his last known place of abode or of business, or on board any ship to which he may belong; and if such party shall not appear accordingly, then (upon proof of the due service of the summons by delivering the summons or a copy thereof to the party, or at his last known place of abode or of business, or on board any ship to which he may

Tribunal for adjudicating on offences and complaints under this act.

(y) See the M. S. Act, 1872, s. 6. (z) See *post*, "Forms," No. 32.

belong, to the person in charge of any such ship) any two of such justices so acting as aforesaid may either hear and determine the case in the absence of the party, or either of them may issue his warrant for apprehending and bringing such party before them or any two justices so acting as aforesaid; or the justice before whom the charge shall be made, if he shall have reason to suspect, from information upon oath, that the party is likely to abscond, may issue such warrant in the first instance, without any previous summons; and either upon the appearance of the party offending or complained against, or in his absence as aforesaid, any two of such justices so acting as aforesaid may hear and determine the case, either with or without any written information or complaint; and upon proof of the offence, or of the complainant's claim (as the case may be) either by confession of the party offending or complained against, or upon the oath of one or more credible witness or witnesses (and the justices are hereby authorized to summon and swear any witnesses who may be deemed necessary,) it shall be lawful for such justices so acting as aforesaid to convict the offender, or to adjudicate upon the complaint, (such conviction or adjudication to be drawn up according to one of the forms of conviction or adjudication contained in schedule (O.) (a) hereto annexed, or as near thereto as the circumstances of the case will admit,) and upon every such conviction to order the offender to pay such penalty as they may think proper, not exceeding the penalties hereinbefore imposed, and upon every such adjudication to order the party complained against to pay to the party suing for the same the sum of money or damages sued for, or so much thereof as such justices shall think the complainant justly entitled to, together with, in every case, the costs of the proceedings; and if the monies and costs mentioned in such conviction or adjudication be not paid immediately or within the time limited in the order it shall be lawful for any two of such justices so acting as aforesaid, by warrant, (and although the written order of conviction or adjudication, or any minute thereof, may not have been served,) to cause the party offending to be committed to gaol, there to be imprisoned, with or without hard labour, according to the discretion of such justices, for any term not exceeding three calendar months, unless such monies and costs be sooner paid and satisfied: provided always, that in all proceedings taken under this act for which no form is herein expressly provided, it shall be lawful to use forms similar, as nearly as circumstances will admit, to those contained in the schedule to an act passed in the session of parliament holden in the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three.

Proviso where no forms of proceeding are prescribed by this act.

Police and stipendiary magistrate, and in Scotland sheriff, &c. to have the same powers as justices of the peace.

86. Every police or stipendiary magistrate, and in Scotland every sheriff or steward and sheriff substitute or steward substitute of a county or stewartry within his own county or stewartry, shall have such and the like powers, privileges, and functions, and be entitled to exercise such and the like jurisdiction under this act, as any justice or two justices, or justices at petty sessions, have or is or are entitled to exercise under the provisions of this act; and all acts, matters, and things competent to be done under the provisions of this act, by or before any justice or two justices of the peace, or justices at petty sessions, or otherwise, may be done by and before any police or stipendiary magistrate, and in Scotland by and before any sheriff or steward or sheriff substitute or steward substitute within his own county or stewartry.

No objection to be allowed, nor convictions to be quashed for want of form.

87. No objection shall be taken or allowed to any complaint, information, summons, or warrant under this act, for any alleged defect therein, either in substance or in form, or for any variance between such complaint or information and the evidence adduced on the hearing thereof; but if any variance shall appear to the justice or justices present and acting at such hearing to be such that the party so summoned and appearing

(a) See *post*, "Forms," No. 32.

has been thereby deceived or misled, it shall be lawful for such justice or justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit the defendant to such safe custody as the said justice or justices may think fit, or to discharge him upon his recognizance, with or without sureties, to appear at such time and place as may be appointed; no conviction, order, adjudication or other proceeding under or in pursuance of this act shall be quashed or vacated for want of form.

88. All penalties imposed by this act shall, when recovered, and notwithstanding any local act of parliament to the contrary, be paid to the emigration officer or officer of customs at whose suit the same shall have been recovered, for the use of her Majesty and her successors, and if recovered in the colonies shall be paid over by the party receiving the same into the colonial treasury, and shall form part of the general revenue of the colony, and if recovered in the United Kingdom shall be paid over to the said emigration commissioners (b) if the party at whose suit the same shall have been recovered be an emigration officer or his assistant, and to her Majesty's commissioners of customs if the party at whose suit the same shall have been recovered be any officer of customs, to be by such emigration commissioners (b) and commissioners of customs respectively duly accounted for; and all such penalties as may be recovered in the United Kingdom shall be appropriated to such purposes and in such manner as the Lord High Treasurer or the Commissioners of her Majesty's Treasury may from time to time direct and appoint: provided always, that it shall be lawful for the justices of the peace who shall impose any such penalty at the same time to direct, if they shall think fit, that a part, not exceeding one moiety thereof, be applied to compensate any passenger for any wrong or damage which he may have sustained by the act or default in respect of which such penalty or forfeiture shall have been imposed.

Application of penalties.

Justices may award compensation out of penalties to party aggrieved.

89. If in any suit, action, prosecution, or other legal proceeding under this act any question shall arise whether any ship was or was not exempted from the provisions of this act or any of them, the burden of proving that such ship was so exempted shall lie on the party claiming the benefit of the exemption, and failing such proof it shall for any such purpose as aforesaid be taken and adjudged that the ship did come within the provisions of this act; and it shall not be necessary, in any information, complaint, or other process or proceeding, to negative any exemption, proviso, or condition contained in any section of this act on which such information, complaint, or other process or proceeding shall be framed, neither shall it be necessary for the complainant to prove the negative, but the defendant may prove the affirmative thereof, if he will have advantage of the same.

Burden of proof to be on persons claiming exemption from act.

Proof of negatives.

90. If in any proceeding before any justice or justices of the peace under this act, or upon any action, suit, or other proceeding whatsoever, against any person, for anything done either contrary to or in pursuance of this act, a question should arise whether any person is an emigration officer or assistant emigration officer, or an officer of customs, *videlicet* evidence may be given of such fact by the officer himself, and shall be deemed legal and sufficient evidence.

Proof of a party being an emigration officer.

91. Any passenger suing under this act for any sum of money made recoverable by this act as passage money, subsistence money, or compensation, or damages, shall not be deemed an incompetent witness in any proceeding for the recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own use and benefit.

Passengers suing not incompetent witnesses.

(b) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

Tender of
amends.

92. No plaintiff shall recover in any action against any emigration officer, his assistant, government emigration agent, or officer of customs, or other person, for anything done in pursuance of this act, if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient sum of money shall have been paid into Court, by or on behalf of the defendant.

Limitation of
actions against
officers execut-
ing the act.

93. No action or suit shall be commenced against any emigration officer, his assistant, government emigration agent, officer of customs, or other person, for anything done in pursuance of or under the authority of this act, until ten clear days' notice in writing, specifying distinctly the cause of action, has been given to the officer, agent or person as aforesaid against whom such action or suit is intended to be brought, nor after three calendar months next after the act committed and mentioned in such notice for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other place; and the defendant in such action or suit may plead the general issue, and give this act and any special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this act, or if it shall appear that such action or suit was brought before ten clear days' notice thereof given as aforesaid, or if any action or suit shall not be commenced within the time hereinbefore limited, or shall be brought or laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuited, or suffer a discontinuance of such action, or if upon any demurrer in such action judgment shall be given for the defendant thereon, then and in any of the cases aforesaid such defendant shall recover full costs of suit as between solicitor and client, and shall have such remedy for recovering the same as any defendant may have for his costs in any other case by law.

Defendant
may plead the
general issue,"
&c.

Costs.

Limitation of
legal proceed-
ings generally.

94. Where no time is expressly limited within which any complaint or information is to be made or laid for any breach or non-performance of any of the requirements of this act, the complaint shall be made or the information laid within twelve calendar months from the time when the matter of such complaint or information respectively arose, or in case the master of any ship is the offender or party complained against, within twelve calendar months next after his return to the country in which the matter of complaint or information arose.

*Colonial
Voyages.*

Colonial voy-
ages defined.

95. And whereas it is expedient to provide in certain cases for the carriage of passengers by sea from her Majesty's possessions abroad: Be it therefore enacted as follows: for the purposes of this act the term "colonial voyage" shall signify any voyage from any place within any of such possessions (except the territories under the government of the East India Company and the island of Hong Kong) to any place whatever, where the distance between such places shall exceed four hundred miles, or the duration of the voyage, to be prescribed as hereinafter mentioned, shall exceed three days.

This act to
apply to all
colonial voy-
ages, except as
relates to mat-
ters herein
named.

96. This act shall apply, so far as the same is applicable, to all ships carrying passengers on any such "colonial voyage," except as to such parts of the act as relate to the following matters; (that is to say,)

- (1.) To passage brokers and their licences:
- (2.) To passengers' contract tickets:
- (3.) To emigrant runners:
- (4.) To the giving bond to her Majesty:
- (5.) To the keeping on board a copy of this act:

- (6.) To orders in council regulating emigration from the United Kingdom, or prescribing rules for promoting health, cleanliness, order, and ventilation:

Provided that if the prescribed duration of any "colonial voyage" be less than three weeks, then, in addition to the matters lastly hereinbefore excepted, the provisions of this act shall not extend or apply, so far as they relate to the following subjects; (namely,)

The construction or thickness of the decks:

The berths and berthing:

The height between decks:

Privies:

Hospitals:

Light and ventilation:

Manning:

Passengers' stewards:

Passengers' cooks and cooking apparatus:

The surgeon and medicine chest:

The maintenance of passengers for forty-eight hours after arrival:

Provided also, that in the case of such "colonial voyages" whereof the prescribed duration is less than three weeks, the requirements of this act respecting the issue of provisions shall not, except as to the issue of water, be applicable to any passenger who may have contracted to furnish his own provisions.

If any colonial voyage be less than three weeks, this act not to apply to subjects herein named.

97. It shall be lawful for the governor of each of her Majesty's possessions abroad, by any proclamation to be by him from time to time issued for that purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the purposes of this act to be the length of the voyage of any ship carrying passengers from such possession to any other place whatsoever, and to prescribe such scale of diet for the use of the passengers during the voyage as he shall think proper, and also to declare what medicines, medical comforts, medical instruments, and other matters shall be deemed necessary for the medical treatment of the passengers during such "colonial voyage;" and the provisions and requirements of every such proclamation shall be enforced in all her Majesty's dominions as if they were incorporated in this act, and in like manner as the provisions of this act may be enforced; and a copy of any such proclamation, purporting to be under the hand of the governor of the colony wherein the same may have been issued, and under the public seal of such colony, shall in any part of her Majesty's dominions wherein the same shall be produced be received as good and sufficient evidence of the due issuing and of the contents of such proclamation, unless it shall be proved that such copy is not genuine.

Governor of colonies may, by proclamation, declare length of voyage, and prescribe scale of diet, medicines, and medical comforts.

Copies of proclamations to be received as evidence.

98. It shall be lawful for the governors of any such possessions respectively to authorize such person or persons as they may think fit to make the like survey and examination of "passenger ships" sailing from such possessions respectively as is hereinbefore required to be made by two or more competent surveyors in respect of "passenger ships" sailing from the United Kingdom (c), and also to authorize in such cases, as to such governors may seem proper, any competent person to act as medical practitioner on board any "passenger ship" proceeding on a "colonial voyage."

Provision for survey of ships in the colonies, and for appointing surgeon thereto.

99. This act shall not apply to any of the territories or places under the government of the East India Company; it shall, however, be lawful for the Governor-General of India in council, from time to time, by any act or acts to be passed for that purpose (d), to declare that this act or any part thereof shall apply to the carriage of passengers upon any voyage from any ports or places within such territories, to be specified in such act

Power to the Governor-general of India in council, by any act to be passed for that pur-

(c) See the M. S. Act, 1876, s. 17.

(d) See Act No. 2 of 1860, and Act

No. 8 of 1876 (The Native Passenger Ships Act, 1876).

pose, to adopt this act for India, and to make rules respecting food, passengers, surgeons, &c.;

and to declare in what manner penalties, &c. may be sued for and recovered.

Indian act may be enforced in the colonies in like manner as this act.

Voyages to the United Kingdom.

List of passengers brought into the United Kingdom to be delivered by the master of the ship to the emigration officer.
Penalty for neglect.

Penalty on masters for having on board a greater number of persons than prescribed by section 14 of this act.

Provisions and water to be issued to passengers brought into the United Kingdom the same as in ships carrying passengers from the United Kingdom.
Penalty for default.

or acts, to any other places whatsoever, to be also specified in such act or acts, and also in like manner to authorize the substitution, as respects such voyages, of other articles of food and provisions for those hereinbefore enumerated; and to declare the rule of computation by which the length of any such voyage shall be estimated; and to determine the persons or officers who in such territories shall be entitled to exercise or perform the powers, functions, or duties hereinbefore given to or imposed upon the emigration officers and officers of customs in the United Kingdom; and to authorize the employment on board any ship of a medical practitioner duly qualified by law to practise as a physician, surgeon, or apothecary within such territories; and to declare for the purposes of this act the space necessary for passengers, and the age at which two children shall be considered equal to one statute adult, in ships that may clear out from any port or place within such territories; and also to declare in what manner, and before what authorities, and by what form of proceedings, the penalties imposed and the sums of money made recoverable by this act shall be sued for and recovered within such territories, and to what uses such penalties shall be applied: and on the passing of such Indian act or acts, and whilst the same shall remain in force, all such parts of this act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian act or acts shall be specified. The provisions of such Indian act shall be enforced in all her Majesty's possessions in like manner as the provisions of this act may be enforced: Every such Indian act shall be subject to disallowance and repeal, and shall in the same manner be transmitted to England, to be laid before both Houses of Parliament, as in the case of any other law made by the Governor-General in council.

100. The master of every ship bringing passengers into the United Kingdom from any place out of Europe, and not within the Mediterranean Sea, shall, within twenty-four hours after arrival, deliver to the emigration officer or his assistant, or in their absence to the chief officer of customs at the port of arrival, a correct list, signed by such master, and specifying the names, ages, and callings of all the passengers embarked, and also the port or ports at which they respectively may have embarked, and showing which, if any of them, may have died, with the supposed cause of death, or been born on the voyage; and if any master shall fail so to deliver such list, or if the same shall be wilfully false, he shall, on conviction, as hereinbefore mentioned, be liable to a penalty not exceeding fifty pounds. [*The remainder of this section is repealed by the Registration of Births and Deaths Act, 1874 (37 & 38 Vict. c. 88), s. 54 (d).*]

101. If any ship bringing passengers into the United Kingdom from any place out of Europe shall have on board a greater number of passengers or persons than in the proportions respectively prescribed in the fourteenth section of this act for ships carrying passengers from the United Kingdom, the master of such ship shall be liable, on such conviction as hereinbefore mentioned, to a penalty not exceeding ten pounds nor less than five pounds for each such person or statute adult constituting any such excess.

102. The master of every passenger ship bringing passengers into the United Kingdom from any place out of Europe shall make to each statute adult during the voyage, including the time of detention, if any, at any port or place before the termination thereof, issues of pure water and of good and wholesome provisions in a sweet condition, in quantities not less in amount than is prescribed in the thirty-fifth section of this act for passengers proceeding from the United Kingdom; and in case of non-compliance with any of the requirements of this section the master of such ship shall, on such conviction as hereinbefore mentioned, be liable for each offence to a penalty not exceeding fifty pounds.

(d) See the Registration of Births and Deaths Act, 1874, s. 37.

103. The schedules to this act shall be deemed to be part of this act, and all the directions therein contained shall be duly followed and enforced, under a penalty not exceeding ten pounds on the person failing to obey the same respectively. Schedules to be part of the act.

[SCHEDULE A. is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66); the forms contained in the other schedules are set out post, "Forms," No. 32.]

19 & 20 VICT. c. 41.

An Act to make further Provision for the Establishment of Savings Banks for Seamen. [7th July, 1856.]

WHEREAS by "The Merchant Shipping Act, 1854" (c), certain powers were given to the Commissioners for the Reduction of the National Debt for the purpose of establishing savings banks for seamen: And whereas it has since been found to be expedient that the immediate management and control of such savings banks should be placed in the hands of the Board of Trade: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Board of Trade may establish in London a central savings bank for seamen, together with branch savings banks at such ports and places in the United Kingdom as they may think expedient, and they may receive at such banks deposits from or on account of seamen, or the wives, widows, and children of seamen, so, however, that the aggregate amount of deposit standing at any one time in the name of any one depositor shall not exceed two hundred pounds. Power to Board of Trade to establish savings banks for seamen.

2. The Board of Trade may constitute any shipping office established under the Merchant Shipping Act, 1854, a branch savings bank for the purposes of this act, and may require any shipping master belonging to such office to act as agent of the said board in carrying this act into effect, and his duties as such agent shall thereupon be deemed to be part of his duties within the meaning of the Merchant Shipping Act, 1854. Power to constitute shipping offices branch savings banks.

3. The Commissioners for the Reduction of the National Debt may from time to time, on the request of the Board of Trade signified by writing by one of the secretaries or assistant secretaries of such board, receive from her Majesty's Paymaster General the monies received by the said board as deposits in savings banks established under this act; and may also from time to time, on the like request signified in like manner, repay to her Majesty's Paymaster General to the account of the said board the monies so received by them as aforesaid; and the said commissioners shall invest all monies so received by them as aforesaid in the same manner in which monies received from trustees of savings banks are invested by them, and shall pay to her Majesty's Paymaster General, to the account of the Board of Trade, interest upon the monies so received by them as aforesaid so long as the same continue in their hands, at the same rate at which they pay interest for the time being upon the monies received by them from the trustees of savings banks. Commissioners for Reduction of National Debt to receive deposits and pay interest.

Board of Trade to make regulations for conduct of savings banks.

4. The Board of Trade may make and from time to time alter such regulations as they may think fit with respect to the persons entitled to become depositors, to the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of depositors, and with respect to all other matters incidental to carrying this act into execution; and all regulations so made shall be binding on the parties interested in the subject matter thereof to the same extent as if such regulations formed part of this act; and no legal proceeding shall be instituted against the Board of Trade, or against any shipping master or other public officer employed on or about such savings banks, on account of any such regulations, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any deposit or interest thereon, unless such refusal, neglect, or omission arise from fraud or wilful misbehaviour on the part of the person against whom proceedings are instituted.

Application of deposits of deceased depositor.

5. All sums of money due from the Board of Trade to the estate of any deceased person entitled to any deposit in any savings bank established under this act shall be paid and applied by such board to the same persons to whom and in the same manner and subject to the same conditions on and subject to which the money and effects of a deceased seaman are payable and applicable under the provisions of the Merchant Shipping Act, 1854.

Punishment for forgery or for making false representations in order to obtain deposits or interest.

6. Every person who, for the purpose of obtaining, either for himself or for another, any money deposited in any savings bank established under this act, or any interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show or assist in showing a right to any such money or interest, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall on conviction be punishable with penal servitude for a term not exceeding four years, or with imprisonment, with or without hard labour, for any period not exceeding two years, or, if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Expenses of act how to be defrayed.

7. The Board of Trade may, out of the interest paid by the Commissioners for the Reduction of the National Debt on the monies paid to them under this act, pay any expenses incurred in carrying this act into effect.

Accounts and copy of regulations to be laid before Parliament.

8. An annual account of all deposits received and repaid by the Board of Trade under the authority of this act, and of the interest thereon, shall be laid before both Houses of Parliament; and a copy of all regulations made by this board under the authority of this act shall likewise be laid before both Houses of Parliament.

Mode of criminal proceeding.

9. All criminal proceedings under this act shall be carried on in the same manner as similar proceedings under the Merchant Shipping Act, 1854, and all rules of law, practice, and evidence which are applicable to such last-mentioned proceedings shall be applicable to criminal proceedings under this act.

19 & 20 VICT. c. 97.

An Act to amend the Laws of England and Ireland affecting Trade and Commerce. [29th July, 1856.]

"WHEREAS inconvenience is felt by persons engaged in trade by reason of the laws of England and Ireland being in some particulars different from those of Scotland in matters of common occurrence in the course of such trade, and with a view to remedy that inconvenience it is expedient to amend the laws of England and Ireland as hereinafter mentioned:" Be it enacted, &c. as follows:

8. In relation to the rights and remedies of persons having claims for repairs done to, or supplies furnished to or for, ships, every port within the United Kingdom of Great Britain and Ireland, the Islands of Man, Guernsey, Jersey, Alderney and Sark, and the islands adjacent to any of them, being part of the dominions of her Majesty, shall be deemed a home port(e).

With reference to the repairs of ships every port within the United Kingdom, &c. a home port.

16. In citing this act it shall be sufficient to use the expression "The Mercantile Law Amendment Act, 1856."

Short title.

17. Nothing in this act shall extend to Scotland.

Extent of act.

24 VICT. c. 10 (f).

An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty (g). [17th May, 1861.]

"WHEREAS it is expedient to extend the jurisdiction and improve the practice of the High Court of Admiralty of England:" Be it therefore enacted as follows:

(e) See the Mercantile Law Amendment Act (Scotland), 1856 (19 & 20 Vict. c. 60), s. 18.

(f) This important act resulted from a bill framed, and introduced into the House of Commons, in the Session of 1859, by Mr. Digby Seymour, Q.C., then sitting as member for Southampton.

The 3 & 4 Vict. c. 65, contains in sects. 3, 4, and 6 the enactments printed below:—

"3. And be it enacted, that after the passing of this act, whenever any ship or vessel shall be under arrest by process issuing from the said High Court of Admiralty, or the proceeds of any ship or vessel having been so arrested shall have been brought into and be in the registry of the said Court, in either such case the Court shall have full jurisdiction to take cognizance of all claims and causes of action of any person in respect of any mortgage of such ship or vessel, and to decide any suit instituted by any such person in respect of any such claims or causes of action respectively.

Whenever a vessel shall be arrested or proceeds brought into registry, the court to have jurisdiction over claims of mortgages.

"4. And be it enacted that the said Court of Admiralty shall have jurisdiction to decide all questions of the title or ownership of any ship or vessel, or the proceeds thereof, remaining in the registry, arising in any cause of possession, salvage, damage, wages, or bottomry, which shall be instituted in the said Court after the passing of this act."

Court to decide questions of title in all causes of possession, salvage, &c.

"6. And be it enacted that the High Court of Admiralty shall have jurisdiction to decide all claims or demands whatsoever in the nature of salvage for services rendered to or damage received by any ship or sea-going vessel, or in the nature of towage, or for necessities supplied to any foreign ship or sea-going vessel, and to enforce the payment thereof, whether such ship or vessel may have been within the body of a county or on the high seas when the services were rendered, or damage received, or necessities furnished, in respect of which any such claim is made."

The Court in certain cases may adjudicate on claims for services and necessities although not on the high seas.

(g) See the Judicature Act, 1873 (36 & 37 Vict. c. 66), ss. 3, 16, 34, 42, 44.

- Short title. 1. This act may be cited for all purposes as "The Admiralty Court Act, 1861."
- Interpretation of terms. 2. In the interpretation and for the purposes of this act (if not inconsistent with the context or subject) the following terms shall have the respective meanings hereinafter assigned to them; that is to say,
 "Ship" shall include any description of vessel used in navigation not propelled by oars (*h*):
 "Cause" shall include any cause, suit, action, or other proceeding in the Court of Admiralty.
- Commencement of act. 3. This act shall come into operation on the first day of June, one thousand eight hundred and sixty-one.
- As to claims for building, equipping or repairing of ships. 4. The High Court of Admiralty shall have jurisdiction (*i*) over any claim for the building, equipping, or repairing of any ship, if at the time of the institution of the cause the ship or the proceeds thereof are under arrest of the Court.
- As to claims for necessities. 5. The High Court of Admiralty shall have jurisdiction (*i*) over any claim for necessities (*k*) supplied to any ship elsewhere than in the port to which the ship belongs, unless it is shown to the satisfaction of the Court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales (*l*). Provided always, that if in any such cause the plaintiff do not recover twenty pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said Court (*m*).
- As to claims for damage to cargo imported. 6. The High Court of Admiralty shall have jurisdiction (*n*) over any claim by the owner or consignee or assignee (*o*) of any bill of lading of any goods carried into (*n*) any port in England or Wales in any ship, for damage done to the goods or any part thereof by the negligence or misconduct of or for any breach of duty or breach of contract on the part of the owner, master or crew of the ship, unless it is shown to the satisfaction of the Court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales: Provided always, that if in any such cause the plaintiff do not recover twenty pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said Court (*n*).
- As to claims for damage by any ship. 7. The High Court of Admiralty shall have jurisdiction (*p*) over any claim for damage done by any ship.
- High Court of Admiralty to decide questions as to ownership, &c., of ships. 8. The High Court of Admiralty shall have jurisdiction to decide all questions arising between the co-owners (*q*), or any of them, touching the ownership, possession, employment and earnings of any ship registered at any port in England or Wales, or any share thereof, and may settle all accounts outstanding and unsettled between the parties in relation thereto, and may direct the said ship or any share thereof to be sold (*r*), and may make such order in the premises as to it shall seem fit.
- (*h*) See the M. S. Act, 1854, s. 2.
 (*i*) See *The Two Ellens*, L. R., 4 P. C. 161.
 (*k*) See *The Riga*, L. R., 3 A. & E. 516.
 (*l*) See *Ex parte Michael*, L. R., 7 Q. B. 658.
 (*m*) See the County Courts Admiralty Jurisdiction Act, 1868 (31 & 32 Vict. c. 71), s. 9; Rules of the Supreme Court, Order LV.; and *Garnett v. Bradley*, 3 App. Cas. 944.
 (*n*) See *The Pieve Superiore*, L. R., 5 P. C. 482, and *The Dannebrog*, L. R., 4 A. & E. 386.
 (*o*) See *The St. Cloud*, Br. & L. 4.
 (*p*) See *The Sylph*, L. R., 2 A. & E. 24; *The Clara Killam*, L. R., 3 A. & E. 161; *The Industrie*, L. R., 3 A. & E. 303; *The M. Moxham*, 1 P. D. 43.
 (*q*) See *The Lady of the Lake*, L. R., 3 A. & E. 29.
 (*r*) See *The Nelly Schneider*, 3 P. D.

9. All the provisions of the Merchant Shipping Act, 1854 (s), in regard to salvage of life from any ship or boat within the limits of the United Kingdom, shall be extended to the salvage of life from any British ship or boat, wheresoever the services may have been rendered, and from any foreign ship or boat, where the services have been rendered either wholly or in part in British waters. Extending 17 & 18 Vict. c. 104, as to claims for salvage of life.

10. The High Court of Admiralty shall have jurisdiction over any claim by a seaman of any ship for wages (t) earned by him on board the ship, whether the same be due under a special contract or otherwise, and also over any claim by the master of any ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship: Provided always, that if in any such cause the plaintiff do not recover fifty pounds he shall not be entitled to any costs, charges or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said Court (u). As to claims for wages and for disbursements by master of a ship.

11. The High Court of Admiralty shall have jurisdiction over any claim in respect of any mortgage duly registered according to the provisions of the Merchant Shipping Act, 1854, whether the ship or the proceeds thereof be under arrest of the said Court or not. 3 & 4 Vict. c. 65, in regard to mortgages extended to Court of Admiralty.

12. The High Court of Admiralty shall have the same powers over any British ship, or any share therein, as are conferred upon the High Court of Chancery in England by the sixty-second, sixty-third, sixty-fourth and sixty-fifth sections of the Merchant Shipping Act, 1854. Sections 62 to 65 of 17 & 18 Vict. c. 104, extended to Court of Admiralty.

13. Whenever any ship or vessel, or the proceeds thereof, are under arrest of the High Court of Admiralty, the said Court shall have the same powers as are conferred upon the High Court of Chancery in England by the ninth part of the Merchant Shipping Act, 1854 (v). Part 9 of 17 & 18 Vict. c. 104, extended to Court of Admiralty.

14. The High Court of Admiralty shall be a Court of Record for all intents and purposes. Court to be a Court of Record.

[Sections 15 to 30 relate to the procedure and practice of the Court of Admiralty.]

[Section 31 is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66)].

[Section 32 provides that the Judges of the Court of Admiralty may grant leave to appeal to her Majesty in Council from any order or decree made by him, whether ex parte or otherwise (x).]

[Sections 33 to 34 relate to the procedure and practice of the High Court of Admiralty.]

35. The jurisdiction conferred by this act on the High Court of Admiralty may be exercised either by proceedings in rem or by proceedings in personam. Jurisdiction of the Court.

(s) Sect. 476.

(t) See *The Great Eastern*, L. R., 1 A. & E. 384.

(u) See the County Courts (Admiralty Jurisdiction) Act, 1868 (31 & 32 Vict. c. 71), s. 9; Rules of the Supreme Court, Order LV.; and *Garnett v. Bradley*, 3 App. Cases, 944.

(v) See *The Amalia*, Br. & L. 151; *The Normandy*, L. R., 3 A. & E. 152; *James v. London and South Western Railway Co.*, L. R., 7 Ex. 289; and *The Franconia*, 2 P. D. 163.

(x) See the Judicature Act, 1873 (36 & 37 Vict. c. 66), ss. 18, 19.

24 & 25 VICT. c. 47.

An Act to facilitate the Construction and Improvement of Harbours by authorizing Loans to Harbour Authorities; to abolish Passing Tolls; and for other Purposes. [1st August, 1861.]

WHEREAS it is expedient that provision should be made for the construction and improvement of harbours by authorizing loans from the public funds to harbour authorities, and that provision should also be made for the abolition of passing tolls, of tolls levied on shipping for the purpose of charities, of differential dues on foreign shipping, and of compensation payable in respect thereof out of the public monies; and for making arrangements for the preservation of the rights of creditors and for other purposes: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title. 1. This act may be cited for all purposes as "The Harbours and Passing Tolls, &c. Act, 1861."

Interpretation of terms: 2. In the construction of this act the following expressions shall have the meanings hereby assigned to them, unless such meanings are inconsistent with the context; that is to say,

"Shipping purposes:" The expression "shipping purposes" shall include the constructing or doing any work or thing that conduces to the safety or convenience of ships, or that facilitates the shipping or unshipping of goods, and the management and superintending the same, and shall also include the maintenance of any lifeboat or other means of preserving life in case of shipwreck:

"Differential dues." The expression "differential dues" shall include any dues, rates, or taxes levied on foreign ships, or on goods carried in foreign ships, which are not levied under like circumstances on British ships or on goods carried in British ships; and shall also include any excess of dues, rates, or taxes levied on foreign ships, or on goods carried in foreign ships, over the dues or taxes levied under like circumstances on British ships or on goods carried in British ships; excepting always such duties as the commissioners of customs may be empowered to levy for the use of her Majesty under any act of parliament in the events therein mentioned.

PART II.—ABOLITION OF PASSING TOLLS.

Abolition of passing tolls. 4. From and after the first day of January one thousand eight hundred and sixty-two all tolls and rates ordinarily known by the name of passing tolls, leviable in respect of any harbours on ships which pass but do not enter such harbours, or on goods carried in any such ships, shall cease to be levied.

PART III.—ABOLITION OF DUES LEVIED BY CHARITABLE CORPORATIONS.

Abolition of dues leviable by charitable authorities. 6. All rates, dues, duties, and imposts (hereinafter included in the term shipping dues) leviable by any of the charitable authorities named in the first schedule annexed hereto on ships, or on goods carried in ships, shall, except so far as the same may be required for the execution of such shipping purposes as have hitherto been executed by means of the said dues, cease to be levied on and after the first day of January one thousand eight hundred and seventy-two.

Dues levied for shipping purposes on ships 7. Whenever any of the said shipping dues leviable by any of the said authorities named in the first schedule are applicable to shipping purposes, but such shipping purposes are not for the benefit of ships or goods

carried therein at the port or place at which such dues are levied, such dues shall cease to be levied on and after the first day of January one thousand eight hundred and seventy-two.

or goods which derive no benefit.

[Sect. 8 relates to the application of the shipping dues leviable by the authorities named in the first schedule to the act, with a proviso that such dues should continue to be levied so long as may from time to time be declared by order in council to be necessary for the payment of certain pensions.]

PART IV.—ABOLITION OF DIFFERENTIAL DUES AND COMPENSATION THEREFOR.

10. All differential dues shall cease and be abolished on and after the first day of January one thousand eight hundred and sixty-two(x).

[Sections 11 to 13, relating to compensation for differential dues, are repealed by the Statute Law Revision Act, 1875].

65. The lords of the committee of privy council appointed for the consideration of matters relating to trade and foreign plantations may be described in all acts of parliament, deeds, contracts, and other instruments, by the official title of "The Board of Trade" without expressing their names, and all acts of parliament, contracts, deeds, and other instruments wherein they are so described shall be as valid as if the said lords or any of them had been named therein.

Title of Board of Trade.

FIRST SCHEDULE.

Name of Authority.

The Trinity House of Kingston-upon-Hull. The Trinity House of Newcastle-on-Tyne. The Fraternity of Hostmen of Newcastle-on-Tyne. The Society of Keelmen on the River Tyne. The Trinity Corporation of Leith. The Guildry Incorporation of Perth. The Fraternity of the Masters and Seamen of Dundee.

25 & 26 VICT. c. 63.

An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853." [29th July, 1862.]

WHEREAS it is expedient further to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853:" Be it enacted by the Queen's most

17 & 18 V. c. 104.
18 & 19 V. c. 91.
16 & 17 V. c. 107.

(x) The Customs' Laws Consolidation Act, 1876 (39 & 40 Vict. c. 36), s. 141, enacts as follows:—"Every foreign ship proceeding either with cargo or passengers or in ballast on any voyage from one part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said islands, or from any of the said islands to any other of them, or from any part of any of the said islands to any other part of the same, shall be subject, as to stores for the use of the crew and in all other respects, to the same laws, rules, and regulations to which British ships when so employed are now subject; but no such foreign ship nor any goods carried therein shall, during the time she is so employed, be subject to any higher or other rate of dock, pier, harbour, light, pilotage, tonnage, or other dues, duties, tolls, rates, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner or goods carried therein, any law, charter, special privilege, or grant to the contrary notwithstanding; nor shall any body corporate or person having or claiming any right or title to any such higher or other rates, dues, duties, tolls, or other charges as aforesaid be entitled to any compensation in respect thereof under any law or statute relating thereto, or otherwise howsoever."

Foreign ships in coasting trade subject to same rules as British ships.

Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.

excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This act may be cited as "The Merchant Shipping Act Amendment Act, 1862," and shall be construed with and as part of "The Merchant Shipping Act, 1854," hereinafter termed the principal act.

Enactments in table (A.) repealed.

2. *The enactments described in table (A.) in the schedule to this act shall be repealed as therein mentioned, except as to any liabilities incurred before such repeal (u).*

Registry and Measurement of Tonnage (Part II. of Merchant Shipping Act, 1854).

Equities not excluded by Merchant Shipping Act.

3. It is hereby declared that the expression "beneficial interest," whenever used in the second part of the principal act, includes interests arising under contract and other equitable interests; and the intention of the said act is that, without prejudice to the provisions contained in the said act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by the said act on registered owners and mortgagees, and without prejudice to the provisions contained in the said act relating to the exclusion of unqualified persons from the ownership of British ships, equities may be enforced against owners and mortgagees of ships in respect of their interest therein, in the same manner as equities may be enforced against them in respect of any other personal property.

Tonnage rates under local acts may be levied on the registered tonnage.

4. Any body corporate or persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy such tonnage rates upon the registered tonnage of the ships as determined by the rules for the measurement of tonnage for the time being in force under the principal act, notwithstanding that the local act or acts under which such rates are levied provides for levying the same upon some different system of tonnage measurement.

Certificates for Engineers (Part III. of Merchant Shipping Act, 1854).

Steam ships to carry certificated engineers.

5. On and after the first day of June, one thousand eight hundred and sixty-three, every steam ship which is required by the principal act to have a master possessing a certificate from the Board of Trade shall also have an engineer or engineers possessing a certificate or certificates from the Board of Trade as follows; (that is to say,)

- (1.) Engineers' certificates shall be of two grades, viz., "first-class engineers' certificates," and "second-class engineers' certificates:"
- (2.) Every foreign-going steam ship of one hundred nominal horse power or upwards shall have as its first and second engineers two certificated engineers, the first possessing a "first-class engineer's certificate," and the second possessing a "second-class engineer's certificate," or a certificate of the higher grade:
- (3.) Every foreign-going steam ship of less than one hundred nominal horse power shall have as its only or first engineer an engineer possessing a "second-class engineer's certificate," or a certificate of the higher grade:
- (4.) Every sea-going home trade passenger steam ship shall have as its only or first engineer an engineer possessing a "second-class engineer's certificate" or a certificate of the higher grade:
- (5.) Every person who, having been engaged to serve in any of the above capacities in any such steam ship as aforesaid, goes to sea in that capacity without being at the time entitled to and possessed of such certificate as is required by this section, and every person who employs any person in any of the above capacities in such ship without ascertaining that he is at the time entitled to and pos-

(u) Sect. 2 is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66).

seised of such certificate as is required by this section, shall for each such offence incur a penalty not exceeding fifty pounds.

6. The Board of Trade shall from time to time cause examinations to be held of persons who may be desirous of obtaining certificates of competency as engineers; for the purpose of such examinations the Board of Trade shall from time to time appoint and remove examiners, and award the remuneration to be paid to them; lay down rules as to the qualification of applicants, and as to the times and places of examination; and generally do all such acts as it thinks expedient in order to carry into effect the examination of such engineers as aforesaid.

Examinations for engineers' certificates of competency.

7. All applicants for examinations shall pay such fees, not exceeding the sums specified in the table marked (B.) (v) in the schedule hereto, as the Board of Trade directs; and such fees shall be paid to such persons as the said Board appoints for that purpose, and shall be carried to the account of the mercantile marine fund.

Fees to be paid by applicants for examination.

8. The Board of Trade shall deliver to every applicant who is duly reported to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience and ability, a certificate of competency, as first-class engineer or as second-class engineer, as the case may be.

Certificates of competency to be granted to those who pass.

9. Certificates of service for engineers, differing in form from certificates of competency, shall be granted as follows; (that is to say,)

Engineers' certificates of service to be delivered on proof of certain service.

- (1.) Every person who before the first day of April, one thousand eight hundred and sixty-two has served as first engineer in any foreign-going steam ship of one hundred nominal horse power or upwards, or who has attained or attains the rank of engineer in the service of her Majesty or of the East India Company, shall be entitled to a "first-class engineer's certificate" of service:
- (2.) Every person who before the first day of April, one thousand eight hundred and sixty-two has served as second engineer in any foreign-going steam ship of one hundred nominal horse power or upwards, or as first or only engineer in any other steam ship, or who has attained or attains the rank of first-class assistant engineer in the service of her Majesty, shall be entitled to a "second-class engineer's certificate" of service:

Each of such certificates of service shall contain particulars of the name, place and time of birth, and the length and nature of the previous service of the person to whom the same is delivered; and the Board of Trade shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

10. The provisions of the principal act, with respect to the certificates of competency or service of masters and mates, contained in the 138th, 139th, 140th, 161st, and 162nd sections of the said act, shall apply to certificates of competency or service granted under this act in the same manner as if certificates of competency and service to be granted to engineers under this act were specially mentioned and included in the said sections.

Certain provisions of Merchant Shipping Act to apply to engineers' certificates.

11. The power by the 241st section of the principal act given to the Board of Trade or to any local marine board of instituting investigations into the conduct of any master or mate whom it has reason to believe to be from incompetency or misconduct unfit to discharge his duties, shall extend to any certificated engineer whom the Board of Trade or any local marine board has reason to believe to be from incompetency or misconduct unfit to discharge his duties, in the same manner as if in the said section

Power of Board of Trade and Local Marine Board to investigate conduct of certificated engineers.

the words "certificated engineer" had been inserted after "master" wherever "master" occurs in such section (x).

Declaration of engineer surveyor to contain statement concerning engineer's certificate.

12. The declaration required to be given by the engineer surveyor under section 309 of the principal act shall, in the case of a ship by this act required to have a certificated engineer, contain, in addition to the statements in the said section mentioned, a statement that the certificate or certificates of the engineer or engineers of such ship is or are such and in such condition as is required by this act.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Third part of act to apply to fishing boats, light-house vessels and pleasure yachts, with certain exceptions.

13. The following vessels; that is to say,
(1.) Registered seagoing ships exclusively employed in fishing on the coasts of the United Kingdom:
(2.) Seagoing ships belonging to any of the three general light-house boards:
(3.) Seagoing ships being pleasure yachts:
shall be subject to the whole of the third part of the principal act; except, —sections 136, 143, 145, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256, 279, 280, 281, 282, 283, 284, 285, 286, and 287.

Local Marine Board may determine number of quorum.

14. Whereas doubts have been entertained whether Local Marine Boards have the power of determining a quorum: it is hereby declared, that the power by the 119th section of the principal act given to every local marine board of regulating the mode in which its meetings are to be held and its business conducted includes the power of determining a quorum; nevertheless, after the passing of this act such quorum shall never consist of less than three members.

Titles of shipping masters.

15. The offices termed shipping offices in the principal act shall be termed mercantile marine offices, and the officers termed shipping masters and deputy shipping masters in the principal act shall be termed superintendents and deputy superintendents of such offices; but nothing in this section contained shall invalidate or affect any act which may be done at any such office under the title of a shipping office, or any act which may be done by, with, or to any of the said officers under the title of shipping master or deputy shipping master.

Punishment for embezzlement in shipping offices.

16. Any person appointed to any office or service by or under any Local Marine Board shall be deemed to be a clerk or servant within the meaning of the sixty-eighth section of the act of the twenty-fifth year of the reign of her present Majesty, chapter ninety-six:

If any such person fraudulently applies or disposes of any chattel, money, or valuable security received by him whilst employed in such office or service for or on account of any such Local Marine Board, or for or on account of any other public board or department, to his own use or any use or purpose other than that for which the same was paid, entrusted to or received by him, or fraudulently withholds, retains or keeps back the same or any part thereof contrary to any lawful directions or instructions which he is required to obey in relation to such office or service, he shall be deemed guilty of embezzlement within the meaning of the said section:

Any such person shall, on conviction of such offence as aforesaid, be liable to the same pains and penalties as are thereby imposed upon any clerk or servant for embezzlement:

In any indictment against such person for such offence it shall be sufficient to charge any such chattel, money or valuable security as the property either of the Board by which he was appointed, or of the Board or department for or on account of which he may have received the same; and no greater particularity in the description of the property shall be

(x) See sect. 23. See also the M. S. Act, 1876, ss. 29, 30, 32, 33.

required in such indictment in order to sustain the same, or in proof of the offence alleged, than is required in respect of an indictment or the subject matter thereof by the seventy-first section of the said last-mentioned act.

17. Whereas it is expedient to make provision in certain cases for holding examinations of applicants for certificates of competency at places where there are no Local Marine Boards: be it enacted, That the Board of Trade, if satisfied that serious inconvenience exists at any port in consequence of the distance which applicants for certificates have to travel in order to be examined, may, with the concurrence of any Local Marine Board, send the examiner or examiners of that Local Marine Board to the port where such inconvenience exists; and thereupon the said examiner or examiners shall proceed to such port, and shall there examine the applicants in the presence of such person or persons (if any) as the Board of Trade may appoint for the purpose; and such examinations shall be conducted in the same manner and shall have the same effect as other examinations under the said act.

Examinations of masters and mates at ports where there are no Local Marine Boards.

18. It is hereby declared that the 182nd section of the principal act does not apply to the case of any stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships (y).

Construction of sect. 182 of principal act. Stipulations concerning salvage.

19. The payment of seamen's wages required by the 209th section of the principal act shall, whenever it is practicable so to do, be made in money and not by bill; and in cases where payment is made by bill drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of the said section, and to be indorsed as therein required, if produced out of the custody of the Board of Trade or of the registrar general of seamen, or of any superintendent of any mercantile marine office, shall be received in evidence; and any indorsement on any such bill purporting to be made in pursuance of the said section, and to be signed by one of the functionaries therein mentioned, shall also be received in evidence, and shall be deemed to be *prima facie* evidence of the facts stated in such indorsement.

Payment of wages to seamen abroad under sect. 209 of principal act.

20. The 197th section of the principal act shall extend to seamen or apprentices who within the six months immediately preceding their death have belonged to a British ship; and such section shall be construed as if there were inserted in the first line thereof after the words "such seaman or apprentice as last aforesaid" the words "or if any seaman or apprentice who has within the six months immediately preceding his death belonged to a British ship."

Wages and effects of deceased seamen.

21. The wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows; (that is to say,)

- (1.) The Board of Trade may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable:
- (2.) In any proceedings for the recovery of such wages, if it is shown by some official return produced out of the custody of the registrar general of seamen or by other evidence that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, and if it is not shown that she has been heard of

Recovery of wages, &c. of seamen lost with their ship.

within twelve months after such departure, she shall be deemed to have been lost with all hands on board, either immediately after the time she was last heard of or at such later times as the Court hearing the case may think probable :

- (3.) The production out of the custody of the registrar general of seamen or of the Board of Trade of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the United Kingdom, or of a certificate purporting to be a certificate from a consular or other public officer at any port abroad, stating that certain seamen or apprentices were shipped in the ship from the said port, shall, in the absence of proof to the contrary, be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss :
- (4.) The Board of Trade shall deal with such wages in the manner in which they deal with the wages of other deceased seamen and apprentices under the principal act.

Relief of distressed seamen to be regulated by Board of Trade.

22. Whereas under the 211th and 212th sections of the principal act, and the 16th section of the Merchant Shipping Act Amendment Act, 1855, provision is made for relieving and sending home seamen found in distress abroad : And whereas doubts are entertained whether power exists under the said sections of making regulations and imposing conditions which are necessary for the prevention of desertion and misconduct and the undue expenditure of public money : Be it enacted, and it is hereby declared, That the claims of seamen to be relieved or sent home in pursuance of the said sections or any of them shall be subject to such regulations and dependent on such conditions as the Board of Trade may from time to time make or impose ; and no seaman shall have any right to demand to be relieved or sent home except in the cases and to the extent provided for by such regulations and conditions.

Power of cancelling certificate to rest with the Court which hear the case.

23. The following rules shall be observed with respect to the cancellation and suspension of certificates ; (that is to say,)

- (1.) The power of cancelling or suspending the certificate of a master or mate by the 242nd section of the principal act conferred on the Board of Trade shall (except in the case provided for by the fourth paragraph of the said section) vest in and be exercised by the Local Marine Board, Magistrates, Naval Court, Admiralty Court, or other Court or tribunal (z) by which the case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade :
- (2.) Such power shall extend to cancelling or suspending the certificates of engineers in the same manner as if "certificated engineer" or "certificated engineers" were inserted throughout such section after "master" or "masters:"
- (3.) Every such Board, Court, or Tribunal shall at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their report :
- (4.) It shall be lawful for the Board of Trade, if they think the justice of the case require it, to reissue and return any certificate which has been cancelled or suspended, or shorten the time for which it is suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended ;
- (5.) *The 434th and 437th sections of the principal act shall be read as if for the word "nautical" were substituted the words "nautical or engineering," and as if for the word "person" and "assessor" respec-*

(z) See the M. S. Act, 1876, ss. 29, 30, 32, 33.

tively were substituted the words "person or persons" and "assessor or assessors" respectively (a):

- (6.) No certificate shall be cancelled or suspended under this section unless a copy of the report or a statement of the case upon which the investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, nor, in the case of investigations conducted by justices or a stipendiary magistrate, unless one assessor at least expresses his concurrence in the report.

24. Every master, or mate, or engineer whose certificate is or is to be suspended or cancelled in pursuance of this act shall, upon demand of the Board, Court, or Tribunal by which the case is investigated or tried, deliver his certificate to them, or, if it is not demanded by such Board, Court, or Tribunal, shall, upon demand, deliver it to the Board of Trade, or as it directs, and in default shall for each offence incur a penalty not exceeding fifty pounds.

Certificate to be delivered up.

Safety (Part IV. of Merchant Shipping Act, 1854).

25. On and after the first day of June one thousand eight hundred and sixty-three, or such later day as may be fixed for the purpose by order in council, the regulations contained in the table marked (C.) in the schedule hereto shall come into operation and be of the same force as if they were enacted in the body of this act; but her Majesty may from time to time, on the joint recommendation of the Admiralty and the Board of Trade, by order in council, annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor; and any alterations in or additions to such regulations made in manner aforesaid shall be of the same force as the regulations in the said schedule (b).

Enactment of regulations concerning lights, fog signals, and sailing rules in schedule, Table (C.)

26. The Board of Trade shall cause the said regulations and any alterations therein or additions thereto hereafter to be made to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same; and production of the *Gazette* in which any order in council containing such regulations or any alterations therein or additions thereto is published, or of a copy of such regulations, alterations, or additions, signed or purporting to be signed by one of the secretaries or assistant secretaries of the Board of Trade, or sealed or purporting to be sealed with the seal of the Board of Trade, shall be sufficient evidence of the due making and purport of such regulations, alterations, or additions.

Regulations to be published.

27. All owners and masters of ships shall be bound to take notice of all such regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other lights (c) and to use no other fog signals than such as are required by the said regulations; and in case of wilful default, the master or the owner of the ship, if it appear that he was in such fault, shall for each occasion upon which such regulations are infringed, be deemed to be guilty of a misdemeanor.

Owners and masters bound to obey them.

28. In case any damage to person or property arises from the non-

Breaches of regulations to

(a) Sect. 23, sub-sect. 5, is repealed by the Statute Law Revision Act, 1878 (41 & 42 Vict. c. 79). See the M. S. Act, 1876, s. 30.

(b) For the regulations now in force under the provisions of this section, see *post*, "Orders in Council."

(c) See the Dockyard Ports Regula-

tion Act, 1865 (28 & 29 Vict. c. 125), s. 7; the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45), s. 20; the Mersey Channels Act, 1874 (37 & 38 Vict. c. 52), s. 1, sub-sect. 2; and the Sea Fisheries Act, 1875 (38 Vict. c. 15), s. 3. See also *The City of Brooklyn*, 1 P. D. 276.

imply wilful default of person in charge.

observance by any ship of any regulation made by or in pursuance of this act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

[Section 29 is repealed by the Merchant Shipping Act, 1873, s. 33 (d).]

Inspection for enforcing regulations.

30. The following steps may be taken in order to enforce compliance with the said regulations; (that is to say,)

- (1.) The surveyors appointed under the third part of the principal act(e), or such other persons as the Board of Trade may appoint for the purpose, may inspect any ships for the purpose of seeing that such ships are properly provided with lights and with the means of making fog signals in pursuance of the said regulations, and shall for that purpose have the powers given to inspectors by the 14th section of the principal act:
- (2.) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same:
- (3.) Every notice so given shall be communicated in such manner as the Board of Trade may direct to the collector or collectors of customs at any port or ports from which such ship may seek to clear or at which her transire is to be obtained; and no collector to whom such communication is made shall clear such ship outwards or grant her a transire, or allow her to proceed to sea, without a certificate under the hand of one of the said surveyors or other persons appointed by the Board of Trade as aforesaid to the effect that the said ship is properly provided with lights and with the means of making fog signals in pursuance of the said regulations (f).

Rules for harbours under local acts to continue in force.

31. Any rules concerning the lights or signals to be carried by vessels navigating the waters of any harbour, river, or other inland navigation, or concerning the steps for avoiding collision to be taken by such vessels, which have been or are hereafter made by or under the authority of any local act, shall continue and be of full force and effect notwithstanding anything in this act or in the schedule thereto contained.

In harbours and rivers where no such rules exist they may be made.

32. In the case of any harbour, river, or other inland navigation for which such rules are not and cannot be made by or under the authority of any local act, it shall be lawful for her Majesty in council, upon application from the harbour trust or body corporate, if any, owning or exercising jurisdiction upon the waters of such harbour, river, or inland navigation, or, if there is no such harbour trust or body corporate, upon application from persons interested in the navigation of such waters, to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating such waters; and such rules, when so made, shall, so far as regards vessels navigating such waters, have the same effect as if they were regulations contained in table (C.) in the schedule to this act, notwithstanding anything in this act or in the schedule thereto contained (g).

[Sect. 33 is repealed by the Merchant Shipping Act, 1873, s. 33. For

(d) See the M. S. Act, 1873, s. 17.

(e) See the M. S. Act, 1872, s. 13.

(f) See the M. S. Act, 1876, ss. 14, 15, 21.

(g) Byelaws under this section have

been made for the Mersey, the Mersey and Irwell Navigation, and the Bridgewater, Manchester and Salford Junction, and Runcorn and Western Canals. See post, "Orders in Council."

the enactment now substituted for it, see the Merchant Shipping Act, 1873, s. 16.]

34. Notwithstanding anything in the 311th section of the principal act contained, it shall not be necessary for the surveys of passenger steamers to be made in the months of April and October; but no declaration shall be given by any surveyor under the fourth part of the said act for a period exceeding six months, and no certificate issued by the Board of Trade shall remain in force more than six months from the date thereof (h).

Surveys of steamers.

35. The following offenders, (that is to say,)

- (1.) Any person who, being drunken or disorderly, has been on that account refused admission into any duly surveyed passenger steamer by the owner or any person in his employ, and who, after having had the amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such steamer:
- (2.) Any person who being drunken or disorderly on board any such steamer is requested by the owner or any person in his employ to leave the same at any place in the United Kingdom at which he can conveniently so do, and who, having had the amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request:
- (3.) Any person on board any such steamer who after warning by the master or any other officer of the steamer molests or continues to molest any passenger:
- (4.) Any person who, after having been refused admission into any such steamer by the owner or any person in his employ on account of such steamer being full, and who after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same:
- (5.) Any person, having got on board any such steamer, who upon being requested on the like account by the owner or any person in his employ to leave such steamer before the same has quitted the place at which such person got on board, and who upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request:
- (6.) Any person who travels or attempts to travel in any such steamer without having previously paid his fare, and with intent to avoid payment thereof:
- (7.) Any person who, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamer beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof:
- (8.) Any person who knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit any such steamer: and
- (9.) Any person on board any such steamer who does not when required by the master or other officer of such steamer either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such steamer,

Penalties on drunken or disorderly passengers.

On persons molesting passengers.

Penalties on persons forcing way on board the ship when full.

And on persons refusing to quit the ship when full.

Penalties for avoiding payment of fares.

shall for every such offence be liable to a penalty not exceeding forty shillings; but such liability shall not prejudice the recovery of any fare payable by him.

(A) The 8th section of the M. S. Act, 1872, repeals the 304th section of the M. S. Act, 1854, and provides that

every passenger steamer shall be surveyed once at the least in every year.

Penalty for
injuring
steamer or
molesting
crew.

36. Any person on board any such steamer who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of such steamer, or to obstruct, impede, or molest the crew or any of them in the navigation or management of such steamer, or otherwise in the execution of their duty upon or about such steamer, shall for every such offence be liable to a penalty not exceeding twenty pounds.

Manner of ap-
prehending
offenders.

37. It shall be lawful for the master or other officer of any duly surveyed passenger steamer, and for all persons called by him to his assistance, to detain any person who has committed any offence against any of the provisions of the two last preceding sections of this act, and whose name and address are unknown to such officer, and to convey such offender with all convenient despatch before some justice without any warrant or other authority than this act; and such justice shall have jurisdiction to try the case, and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Provisions as
to carrying
dangerous
goods.

38. *The provisions of the 329th section of the principal act shall extend to foreign ships when within the limits of the United Kingdom (i).*

Pilotage (Part V. of Merchant Shipping Act, 1854).

Power of
pilotage au-
thorities to
exempt from
compulsory
pilotage.

39. Whereas it is enacted by the principal act that every pilotage authority shall have power, in manner and subject to the conditions therein mentioned, to do the following things; (that is to say.)

To alter and
reduce rates of
pilotage.

To exempt the masters of any ships or of any classes of ships from being compelled to employ qualified pilots:

To arrange the
limits of
pilotage dis-
tricts.

To lower and modify the rates and prices or other remuneration to be demanded and received for the time being by pilots licensed by such authority:

To make arrangement with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of such other authority, and transferring its own powers to such last-mentioned authority:

Power by
provisional
order,—

And whereas it is expedient that increased facilities should be given for effecting the objects contemplated by the said recited enactments, and for further amending the law concerning pilotage, and that in so doing means should be afforded for paying due regard to existing interests and to the circumstances of particular cases: Be it enacted, that it shall be lawful for the Board of Trade, by provisional order (j), to do the following things; that is to say,

To transfer
pilotage juris-
diction;

(1.) Whenever any pilotage authority residing or having its place of business at one port has or exercises jurisdiction in matters of pilotage in any other port, to transfer so much of the said jurisdiction as concerns such last-mentioned port to any harbour trust or other body exercising any local jurisdiction in maritime matters at the last-mentioned port or to any body to be constituted for the purpose by the provisional order, or, in cases where the said pilotage authority is not the Trinity House of Deptford Strond, to the said Trinity House; or to transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body corporate or body of persons to be constituted for the purpose by the provisional order, so as to represent the interests of the several ports concerned:

(i) This section is repealed by the M. S. Act, 1873, s. 33.

(j) Provisional orders under the act have been made and confirmed by

public acts for Hartlepool (27 & 28 Vict. c. 58), Sunderland (28 & 29 Vict. c. 59), and the Tyne (28 & 29 Vict. c. 44; 30 & 31 Vict. c. 78).

- (2.) To make the body corporate or persons to whom the said transfer is made a pilotage authority within the meaning of the principal act, with such powers for the purpose as may be in the provisional order in that behalf mentioned: and to make consequent arrangements;

To determine the limits of the district of the pilotage authority to which the transfer of jurisdiction is made:

To sanction a scale of pilotage rates to be taken by the pilots to be licensed by the last-mentioned pilotage authority:

To determine to what extent and under what conditions any pilots already licensed by the former pilotage authority shall continue to act under the new pilotage authority:

To sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the former pilotage authority between the pilots remaining under the jurisdiction of that authority and the pilots who are transferred to the jurisdiction of the new authority:

To provide for such compensation or superannuation as may be just to officers employed by the former pilotage authority and not continued by the new authority:

- (3.) To constitute a pilotage authority and to fix the limits of its district in any place in the United Kingdom where there is no such authority; so, however, that in the new pilotage district so constituted there shall be no compulsory pilotage, and no restriction on the power of duly qualified persons to obtain licences as pilots. to constitute new authorities;
- (4.) To exempt the masters and owners of all ships, or of any classes of ships, from being obliged to employ pilots in any pilotage district or in any part of any pilotage district, or from being obliged to pay for pilots when not employing them in any district or in any part of any pilotage district, and to annex any terms and conditions to such exemptions: to exempt from compulsory pilotage in any district;
- (5.) In cases where the pilotage is not compulsory, and where there is no restriction on the power of duly qualified persons to obtain licences as pilots, to enable any pilotage authority to license pilots and fix pilotage rates for any part of the district within the jurisdiction of such authority for which no such licences or rates now exist: to enable existing authorities to grant licences and fix rates;
- (6.) In cases where the pilotage is not compulsory, and where there is no restriction on the power of duly qualified persons to obtain licences as pilots, to enable any pilotage authority to raise all or any of the pilotage rates now in force in the district or any part of the district within the jurisdiction of such authority: to raise rates;
- (7.) In cases where the pilotage is not compulsory, and where there is no restriction on the number of pilots, or on the power of duly qualified persons to obtain licences as pilots, to give additional facilities for the recovery of pilotage rates and for the prevention of the employment of unqualified pilots: to facilitate recovery of rates in certain cases;
- (8.) To give facilities for enabling duly qualified persons, after proper examination as to their qualifications, to obtain licences as pilots. to facilitate grants of licences.
40. The following rules shall be observed with respect to provisional orders made in pursuance of this act: Regulations with respect to manner of making and confirming provisional orders.
- (1.) Application in writing for such order shall be made to the Board of Trade by some persons interested in the pilotage of the district or in the operation of the laws or regulations relating to such pilotage:
- (2.) Notice of such application having been made shall be published once at the least in each of two successive weeks in the month immediately succeeding the time of such application in the *Shipping Gazette*, and in some newspaper or newspapers circulating in the

county, or, if there are more than one, in the counties adjacent to the pilotage district to be affected by the order:

- (3.) The notice so published shall state the objects which it is proposed to effect by the provisional order:
- (4.) The Board of Trade on receiving the application shall refer the same to the pilotage authority or authorities of the district, and shall receive and consider any objections which may be made to the proposed provisional order, and shall for that purpose allow at least six weeks to elapse between the time of referring the application to the pilotage authority and the time of making the provisional order:
- (5.) The Board of Trade shall, after considering all objections, determine whether to proceed with the provisional order or not; and shall, if they determine to proceed with it, settle it in such manner and with such terms and conditions, not being inconsistent with the provisions of this act, as they may think fit; and shall, when they have settled the same, forward copies thereof to the persons making the application and to the pilotage authority or authorities of the district or districts to which it refers:
- (6.) No such provisional order shall take effect unless and until the same is confirmed by parliament; and for the purpose of procuring such confirmation the Board of Trade shall introduce into parliament a public general bill, or public general bills, in which, or in the schedule to which, the provisional order or provisional orders to be thereby confirmed shall be set out at length:
- (7.) If any petition is presented to either house of parliament against any such provisional order as aforesaid in the progress through parliament of the bill confirming the same, so much of the bill as relates to the order so petitioned against may be referred to a select committee, and the petitioner shall in such case be allowed to appear and oppose as in the case of private bills.

Extension of exemptions from compulsory pilotage.

41. The masters and owners of ships passing through the limits of any pilotage district in the United Kingdom on their voyages between two places both situate out of such districts shall be exempted from any obligation to employ a pilot within such district, or to pay pilotage rates when not employing a pilot within such district: Provided that the exemption contained in this section shall not apply to ships loading or discharging at any place situate within such district, or at any place situate above such district on the same river or its tributaries.

Arrangement of pilot funds for Bristol Channel Pilots.

42. Whereas under the provisions of the British Channel Pilotage Act, 1861 (*k*), pilotage authorities have been established at the ports of Newport and Gloucester, and the pilots theretofore licensed by the Trinity House of Deptford Strond for those parts have ceased to be so licensed: and whereas no provision has been made by the said act for dealing with such interests as the said pilots may have in the Trinity House Pilot Fund mentioned in the principal act: Be it therefore enacted, that, notwithstanding the said pilots have ceased to be licensed by the Trinity House, the Trinity House may make such an equitable arrangement in the administration of the Trinity House Pilot Fund mentioned in the principal act with reference to the interests of the pilots so ceasing to be licensed by them as aforesaid as they may in their discretion think fit.

Lighthouses (Part VI. of Merchant Shipping Act, 1854).

Lights, &c. under local authorities to

43. The following rules shall be observed with respect to the inspection of local lighthouses, buoys, and beacons; (that is to say,)

- (1.) It shall be the duty of each of the general lighthouse authorities,

or of such persons as may be authorized by such authority for the purpose, to inspect all lights, buoys, and beacons situate within the limits of the jurisdiction of such general authority, but belonging to or under the jurisdiction of any local authorities, and to make such inquiries in respect thereof and of the management thereof as they may think fit:

- (2.) All officers and others having the care of such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as they may require:
- (3.) All such local authorities and their respective officers shall at all times give to the inspecting authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons within their jurisdiction, and the management thereof, as the said authority may from time to time require:
- (4.) The inspecting authority shall communicate to each local authority the results of its inspection of the lighthouses, buoys, and beacons within its jurisdiction, and shall also make general reports of the results of its inspection of local lighthouses, buoys, and beacons to the Board of Trade; and such reports shall be laid before parliament:
- (5.) The powers given by the 394th section of the principal act to the general lighthouse authorities shall, so far as the same are applicable, extend and apply to the case of local buoys and beacons, other than local buoys and beacons placed or erected for temporary purposes, as well as to the case of local lighthouses.

be inspected, &c. by Trinity House and other general authorities.

44. The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable; (that is to say,) the owner or master, or such consignees or agents thereof as have paid or made themselves liable to pay any other charge on account of such ship in the port of her arrival or discharge, and in default of payment such light dues may be recovered in the same manner as penalties of the like amount may be recovered by virtue of the principal act.

Liability for and recovery of light dues.

45. Every consignee and agent (not being the owner or master) hereby made liable for the payment of light dues in respect of any ship may, out of any monies in his hands received on account of such ship, or belonging to the owner thereof, retain the amount of all dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability.

Powers of consignees to retain light dues paid by them.

46. If any lighthouse, buoy, or beacon is erected or placed, or reconstructed, repaired, or replaced by any local authority having jurisdiction in the matter of lighthouses, buoys, or beacons, her Majesty may, on the application of the said local authority, by order in council fix such dues to be paid to the said local authority in respect of every ship which enters the port or harbour under the jurisdiction of such local authority or the estuary wherein such lighthouse, buoy, or beacon is situate, and which passes the said lighthouse, buoy, or beacon, and derives benefit therefrom, as her Majesty may deem reasonable:

Dues may be levied for local lights.

The dues for the time being fixed by any such order in council as aforesaid shall be paid accordingly by the master of the said ship or other person or persons by whom the said light dues, if levied by one of the general lighthouse authorities, would be payable, and shall be recoverable in the same manner as light dues payable to such general authorities are recoverable.

47. All light dues leviable by any local authority under this act shall be applied for the purposes of the construction, placing, maintenance, and

Application of and accounts of such dues.

improvement of the lighthouses, buoys, and beacons in respect of which the same are levied, and for no other purpose:

The local authority to whom the same are paid shall keep a separate account of the receipt and expenditure of such dues, and shall once in every year, or at such other time as the Board of Trade may determine, send a copy of such account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade may require:

Her Majesty may by order in council from time to time reduce, alter, or increase all or any of such dues, so that the same may, so far as it is practicable, be sufficient and not more than sufficient for the payment of the expenses incurred by the local authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.

Construction
of sect. 431 of
principal act.

48. The 431st section of the principal act shall be read as if after the word "ships" there were inserted the words "and boats."

Wreck and Salvage (Part VIII. of Merchant Shipping Act, 1854) (i).

Extension and
amendment of
summary
jurisdiction in
small salvage
cases.

49. The provisions contained in the eighth part of the principal act for giving summary jurisdiction to two justices in salvage cases, and for preventing unnecessary appeals and litigation in such cases, shall be amended as follows; (that is to say,)

- (1.) Such provision shall extend to all cases in which the value of the property saved (*j*) does not exceed one thousand pounds, as well as to the cases provided for by the principal act (*k*):
- (2.) Such provisions shall be held to apply whether the salvage service has been rendered within the limits of the United Kingdom or not:
- (3.) It shall be lawful for one of her Majesty's principal secretaries of state, or in Ireland for the lord lieutenant or other chief governor or governors, to appoint out of the justices for any borough or county a rota of justices by whom jurisdiction in salvage cases shall be exercised:
- (4.) When no such rota is appointed, it shall be lawful for the salvors, by writing addressed to the justice's clerk, to name one justice, and for the owner of the property saved in like manner to name the other:
- (5.) If either party fails to name a justice within a reasonable time, the case may be tried by two or more justices at petty sessions:
- (6.) It shall be competent for any stipendiary magistrate, and also in England for any county court judge (*l*), in Scotland for the sheriff or sheriff substitute of any county, and in Ireland for the recorder of any borough in which there is a recorder, or for the chairman of quarter sessions in any county, to exercise the same jurisdiction in salvage cases as is given to two justices:
- (7.) It shall be lawful for one of her Majesty's principal secretaries of state to determine a scale of costs to be awarded in salvage cases by any such justices or Court as aforesaid (*m*):
- (8.) All the provisions of the principal act relating to summary proceedings in salvage cases, and to the prevention of unnecessary appeals in such cases, shall, except so far as the same are altered by this act, extend and apply to all such proceedings, whether under the principal act or this act, or both of such acts (*n*).

(i) See the M. S. Act, 1873, ss. 18, 21.

(j) See *The Stella*, L. R., 1 A. & E. 340.

(k) See *The Generous*, L. R., 2 A. & E. 67.

(l) See *Beadnell v. Beeson*, L. R., 3 Q. B. 439.

(m) See post, "Forms," No. 38.

(n) See *The William and John*, B. & L. 49; *The County Courts Admiralty Jurisdiction Act, 1868*, ss. 3, 9; and *The Empress*, L. R., 3 A. & E. 502.

50. Whenever any salvage question arises the receiver of wreck for the district may, upon application from either of the parties, appoint a valuer to value the property in respect of which the salvage claim is made, and shall, when the valuation has been returned to him, give a copy of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer, and to be attested by the receiver, shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of such valuation, by the party applying for the same, such fee as the Board of Trade may direct.

Receiver may appoint a valuer in salvage cases.

51. The words "court of session" in the four hundred and sixty-eighth section of the principal act shall be deemed to mean and include either division of the Court of Session or the lord ordinary officiating on the bills during vacation.

Jurisdiction of Court of Session in salvage cases.

52. Upon delivery of wreck or of the proceeds of wreck by any receiver to any person in pursuance of the provisions of the eighth part of the principal act such receiver shall be discharged from all liability in respect thereof, but such delivery shall not be deemed to prejudice or affect any question concerning the right or title to the said wreck which may be raised by third parties, nor shall any such delivery prejudice or affect any question concerning the title to the soil on which the wreck may have been found.

Delivery of wreck by receiver not to prejudice title.

53. Whereas by the principal act it is provided that the proceeds of wreck, if the same is not claimed by the owner within a year, and if no person other than her Majesty, her heirs and successors, is proved to be entitled thereto, shall, subject to certain deductions, be paid into the receipt of her Majesty's Exchequer in such manner as the commissioners of the Treasury may direct, and that the same shall be carried to and form part of the consolidated fund of the United Kingdom:

Crown rights to wreck.

And whereas doubts have been entertained whether the said last-recited provision is consistent with the arrangements concerning the hereditary revenues of the crown effected by the act of the first year of her present Majesty, chapter two: And whereas doubts have also been entertained whether due provision is made by the said act for paying to the revenues of the Duchies of Lancaster and Cornwall respectively such of the said proceeds as may belong to those Duchies:

1 Vict. c. 2.

It is hereby declared, That such of the said proceeds of wreck as belong to her Majesty in right of her crown shall, during the life of her present Majesty (whom God long preserve), be carried to and form part of the consolidated fund of the United Kingdom, and shall after the decease of her present Majesty (whom God long preserve) be payable and paid to her Majesty's heirs and successors:

And it is hereby further declared, That such of the said proceeds of wreck as belong to her Majesty in right of her Duchy of Lancaster shall be paid to the receiver-general of the said Duchy or his sufficient deputy or deputies as part of the revenues of the said Duchy and be dealt with accordingly:

And it is hereby further declared and enacted, That the provision in the principal act contained regarding the sale of unclaimed wreck to which no owner establishes his claim within the period of one year, and to which no admiral, vice-admiral, lord of any manor, or person other than her Majesty, her heirs and successors, is proved to be entitled, is intended and shall be construed to apply to wreck of the sea belonging to her Majesty, her heirs and successors, in respect of the Duchy of Cornwall, or to the Duke of Cornwall for the time being in respect of his Duchy of Cornwall: But that the proceeds of such wreck shall, subject to such deductions as are in the same act mentioned, form part of the revenues of the Duchy of Cornwall, and be dealt with accordingly.

Shipowners' liability limited.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854).

54. The owners (o) of any ship (p) whether British or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity (q); (that is to say,)

- (1.) Where any loss of life or personal injury is caused to any person being carried in such ship:
- (2.) Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship:
- (3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person carried in any other ship or boat (r):
- (4.) Where any loss or damage is by reason of the improper navigation (p) of such ship as aforesaid caused (s) to any other ship or boat, or to any goods, merchandise, or other things whatsoever on board any other ship or boat:

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandize, or other things to an aggregate amount exceeding fifteen pounds for each ton of their ship's tonnage; nor in respect of loss or damage to ships, goods, merchandize, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding eight pounds (t) for each ton of the ship's tonnage; such tonnage to be the registered tonnage in the case of sailing ships, and in the case of steam ships the gross tonnage without deduction on account of engine room (u):

In the case of any foreign ship which has been or can be measured according to British law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship:

In the case of any foreign ship which has not been and cannot be measured under British law, the surveyor-general of tonnage in the United Kingdom, and the chief measuring officer in any British possession abroad, shall, on receiving from or by direction of the Court hearing the case such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to British law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship.

Limitation of invalidity of insurances.

55. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk (v).

Proof of passengers on board lost ship.

56. In any proceeding under the 506th section of the principal act or any act amending the same against the owner of any ship or share therein in respect of loss of life, the master's list or the duplicate list of passengers delivered to the proper officer of customs under the 16th section of the Passengers Act, 1855 (x), shall, in the absence of proof to the contrary, be sufficient proof that the persons in respect of whose death any such prosecution or proceeding is instituted were passengers on board such ship at the time of their deaths.

(o) See *The Spirit of the Ocean*, Br. & L. 336; *The London and South Western Railway Co. v. James*, L. R., 8 Chan. 241.

(p) See *The Andalusian*, 3 P. D.

(q) See *The Obey*, L. R., 1 A. & E. 102.

(r) See *The George and Richard*, L. R.,

3 A. & E. 466.

(s) See *Wahlberg v. Young*, 45 L. J., C. P. Div. 783.

(t) See *Smith v. Kirby*, 1 Q. B. Div. 131.

(u) *The Franconia*, 3 P. D.

(v) See the 30 Vict. c. 23, s. 7, post.

(x) 18 & 19 Vict. c. 119.

Arrangements concerning Lights, Sailing Rules, Salvage, and Measurement of Tonnage in the case of Foreign Ships (y).

57. Whenever foreign ships are within British jurisdiction, the regulations for preventing collision contained in table (C.) in the schedule to this act (z), or such other regulations for preventing collision as are for the time being in force under this act, and all provisions of this act relating to such regulations, or otherwise relating to collisions, shall apply to such foreign ships; and in any cases arising in any British Court of justice concerning matters happening within British jurisdiction, foreign ships shall, so far as regards such regulations and provisions, be treated as if they were British ships.

Foreign ships in British jurisdiction to be subject to regulations in Table (C.) in Schedule.

58. Whenever it is made to appear to her Majesty that the government of any foreign country is willing that the regulations for preventing collision contained in table (C.) in the schedule to this act, or such other regulations for preventing collision as are for the time being in force under this act, or any of the said regulations, or any provisions of this act relating to collisions, should apply to the ships of such country when beyond the limits of British jurisdiction, her Majesty may, by order in council, direct that such regulations, and all provisions of this act which relate to such regulations, and all such other provisions as aforesaid, shall apply to the ships of the said foreign country, whether within British jurisdiction or not (a).

Regulations, when adopted by a foreign country, may be applied to its ships on the high seas.

59. Whenever it is made to appear to her Majesty that the government of any foreign country is willing that salvage shall be awarded by British Courts for services rendered in saving life from any ship belonging to such country when such ship is beyond the limits of British jurisdiction, her Majesty may, by order in council, direct that the provisions of the principal act and of this act, with respect to salvage for services rendered in saving life from British ships, shall in all British Courts be held to apply to services rendered in saving life from the ships of such foreign country, whether such services are rendered within British jurisdiction or not (a).

Provisions concerning salvage of life may, with the consent of any foreign country, be applied to ships on the high seas.

60. Whenever it is made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships for the time being in force under the principal act have been adopted (b) by the government of any foreign country, and are in force in that country, it shall be lawful for her Majesty by order in council to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers; and thereupon it shall no longer be necessary for such ships to be re-measured in any port or place in her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships (a).

Ships of foreign countries adopting the rule for measurement of tonnage need not be re-measured in this country.

61. Whenever an order in council has been issued under this act, applying any provision of this act or any regulation made by or in pursuance of this act to the ships of any foreign country, such ships shall in all cases arising in any British Court be deemed to be subject to such provision or regulation, and shall for the purpose of such provision or regulation be treated as if they were British ships.

Effect of order in council.

(y) See the M. S. Act, 1876, s. 37.

"Orders in Council."

(z) The regulations contained in Table C. are superseded. See *post*,

(a) See *post*, "Orders in Council."

(b) See *The Franconia*, 3 P. D.

Orders in council may be limited as to time, and qualified.

62. In issuing any order in council under this act her Majesty may limit the time during which it is to remain in operation, and may make the same subject to such conditions and qualifications, if any, as may be deemed expedient, and thereupon the operation of the said order shall be limited and modified accordingly.

Orders in council may be revoked and altered.

63. Her Majesty may by order in council from time to time revoke or alter any order previously made under this act (c).

Orders in council to be published in London Gazette.

64. Every order in council to be made under this act, shall be published in the *London Gazette* as soon as may be after the making thereof; and the production of a copy of the *London Gazette* containing such order shall be received in evidence, and shall be proof that the order therein published has been duly made and issued; and it shall not be necessary to plead such order specially.

Legal Procedure.

20 & 21 Vict. c. 43, s. 3, not to apply to proceedings under Board of Trade or this act, &c.

65. Nothing in the third section of the act passed in the twentieth and twenty-first years of the reign of her present Majesty, chapter forty-three, except so much thereof as provides for the payment of any fees that may be due to the clerk of the justices, shall be deemed to apply to extend to any proceeding under the direction of the Board of Trade, or under or by virtue of the provisions of the principal act or this act, or any act amending the same.

Delivery of Goods and Lien for Freight.

Interpretation of terms.

66. The following terms used in the sections of this act hereinafter contained shall have the respective meanings hereby assigned to them, if not inconsistent with the context or subject matter; (that is to say,)

"Report:"

The word "report" shall mean the report required by the customs laws to be made by the master of any importing ship:

"Entry:"

The word "entry" shall mean the entry required by the customs laws to be made for the landing or discharge of goods from an importing ship:

"Goods:"

The word "goods" shall include every description of wares and merchandise:

"Wharf:"

The word "wharf" shall include all wharves, quays, docks, and premises in or upon which any goods when landed from ships may be lawfully placed:

"Warehouse:"

The word "warehouse" shall include all warehouses, buildings, and premises in which goods when landed from ships may be lawfully placed:

"Wharf owner:"

The expression "wharf owner" shall mean the occupier of any wharf, as hereinbefore defined:

"Warehouse owner:"

The expression "warehouse owner" shall mean the occupier of any warehouse, as hereinbefore defined:

"Shipowner:"

The word "shipowner" shall include the master of the ship and every other person authorized to act as agent for the owner, or entitled to receive the freight, demurrage, or other charges payable in respect of such ship:

"Owner of goods."

The expression "owner of goods" shall include every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien, if any, to such lien.

(c) See the M. S. Act, 1876, ss. 38, 44.

67. Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or having made entry thereof to land the same or take delivery thereof (d), and to proceed therewith with all convenient speed, by the times severally herein-after mentioned, the shipowner may make entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following; (that is to say,)

Power to ship-owner to enter and land goods in default of entry and landing by owner of goods.

- (1.) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed:
- (2.) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, after the report of the ship:
- (3.) If any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, the shipowner in landing them by virtue of this enactment shall cause them to be placed on such wharf or in such warehouse:
- (4.) In other cases the shipowner in landing goods by virtue of this enactment shall place them in or on some wharf or warehouse on or in which goods of a like nature are usually placed; such wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the commissioners of customs for the landing of dutiable goods.
- (5.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner (e):
- (6.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of such landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on such landing and assortment shall be borne by the shipowner:
- (7.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery and has also failed at the time of such offer to give the owner of the goods correct information of the time at which such goods can be delivered, then the shipowner shall, before landing or unshipping such goods under the power hereby given to him, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours' notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without such notice, do so at his own risk and expense.

68. If, at the time when any goods are landed from any ship, and placed in the custody of any person as a wharf or warehouse owner (f), If, when goods are landed, the shipowner give

(d) See *The Energie*, L. R., 6 P. C. 306.

(e) See *Wilson v. London, Italian and Adriatic Steam Navigation Co.*, L. R., 1 C. P. 21.

(f) See *Beresford v. Montgomerie*, 17 C. B., N. S. 379; 34 L. J., C. P. 41; *Mors-Le-Blanch v. Wilson*, L. R., 8 C. P. 227.

notice for that purpose, the lien for freight is to continue.

the shipowner gives to the wharf or warehouse owner notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the goods so landed shall, in the hands of the wharf or warehouse owner, continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharf or warehouse owner receiving such goods shall retain them until the lien is discharged (h) as hereinafter mentioned, and shall, if he fail so to do, make good to the shipowner any loss thereby occasioned to him.

Lien to be discharged on proof of payment.

69. Upon the production to the wharf or warehouse owner of a receipt for the amount claimed as due, and delivery to the wharf or warehouse owner of a copy thereof or of a release of freight from the shipowner the said lien shall be discharged.

Lien to be discharged on deposit with warehouse owner.

70. The owner of the goods may deposit with the wharf or warehouse owner a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and thereupon the lien shall be discharged; but without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

Warehouse owner may at the end of 15 days, if no notice is given, pay deposit to shipowner.

71. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, the wharf or warehouse owner may, at the expiration of such fifteen days, pay the sum so deposited over to the shipowner, and shall by such payment be discharged from all liability in respect thereof.

Course to be taken if notice to retain is given.

72. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does within fifteen days after making it give to the wharf or warehouse owner such notice in writing as aforesaid, the wharf or warehouse owner shall immediately apprise the shipowner of such notice, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by such notice to be payable, and shall retain the remainder or balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the said notice; and at the expiration of such thirty days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the wharf or warehouse owner shall pay the said balance or sum over to the owner of the goods, and shall by such payment be discharged from all liability in respect thereof.

After 90 days warehouse owner may sell goods by public auction.

73. If the lien is not discharged, and no deposit is made as hereinbefore mentioned, the wharf or warehouse owner may, and, if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or if the goods are of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said goods or so much thereof as may be necessary to satisfy the charges hereinafter mentioned.

Notices of sale to be given.

74. Before making such sale the wharf or warehouse owner shall give

(h) See *The Energie*, 6 L. R., P. C. 306.

notice thereof by advertisement in two newspapers circulating in the neighbourhood, or in one daily newspaper published in London and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharf or warehouse owner, or is otherwise known to him, give notice of the sale to the owner of the goods by letter sent by the post; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send notice as hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

75. In every case of any such sale as aforesaid the wharf or warehouse owner shall apply the monies received from the sale as follows, and in the following order:

Monies arising from sale, how to be applied.

1. If the goods are sold for home use in payment of any customs or excise duties owing in respect thereof:
2. In payment of the expenses of the sale:
3. In the absence of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, in payment of the rent, rates, and other charges due to the wharf or warehouse owner in respect of the said goods:
4. In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods:
5. But in case of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, then such charges shall have priority according to the terms of such agreement:

and the surplus, if any, shall be paid to the owner of the goods.

76. Whenever goods are placed in the custody of a wharf or warehouse owner under the authority of this act, the said wharf or warehouse owner shall be entitled to rent in respect of the same, and shall also have power from time to time, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the said wharf or warehouse owner are necessary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses.

Warehouse owner's rent and expenses.

77. Nothing in this act contained shall compel any wharf or warehouse owner to take charge of any goods which he would not be liable to take charge of if this act had not passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this act.

Warehouse owner's protection.

78. Nothing in this act contained shall take away or abridge any powers given by any local act to any harbour trust, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this act contained take away or diminish any rights or remedies given to any shipowner or wharf or warehouse owner by any local act.

Saving powers under local acts.

the possession that a formal appointment thereto has been made by the admiralty in the manner hereinafter mentioned, and may, for good and reasonable cause, to be approved by the governor, remove the person so appointed. The judge may also appoint some person to act as registrar or marshal during the temporary absence of either of those officers.

Names of appointees, &c. to be notified to the home government.

6. On any vacancy in the office of judge, registrar, or marshal of any Vice Admiralty Court, the governor of the British possession in which the Court is established shall, as soon as is practicable, communicate to one of her Majesty's principal secretaries of state the fact of the vacancy, and the name of the person succeeding or appointed to the vacant office.

Saving the powers of the admiralty.

7. Nothing in this act contained shall be taken to affect the power of the admiralty to appoint any vice admiral, or any judge, registrar, marshal or other officer of any Vice Admiralty Court, as heretofore, by warrant from the admiralty, and by letters patent issued under seal of the High Court of Admiralty of England (*m*).

Past proceedings confirmed.

8. No act done by any person in the capacity of judge, registrar, or marshal of any Vice Admiralty Court, which shall not have been set aside by any competent authority before the passing of this act shall be held invalid by reason that such person had not been duly appointed, but all such acts shall be as valid and effectual as if done by a person duly appointed.

Protection of officers.

9. No action, prosecution, or other proceeding shall be brought against any such person by reason of the illegality or informality of any act hereby declared to be valid and effectual.

Jurisdiction of Vice Admiralty Courts.

10. The matters in respect of which the Vice Admiralty Courts shall have jurisdiction are as follows:

- (1.) Claims for seamen's wages:
- (2.) Claims for master's wages, and for his disbursements on account of the ship:
- (3.) Claims in respect of pilotage:
- (4.) Claims in respect of salvage of any ship, or of life or goods therefrom:
- (5.) Claims in respect of towage:
- (6.) Claims for damage done by any ship:
- (7.) Claims in respect of bottomry or respondentia bonds:
- (8.) Claims in respect of any mortgage where the ship has been sold by a decree of the Vice Admiralty Court, and the proceeds are under its control:
- (9.) Claims between the owners of any ship registered in the possession in which the Court is established, touching the ownership, possession, employment, or earnings of such ship:
- (10.) Claims for necessities supplied, in the possession in which the Court is established, to any ship of which no owner or part owner is domiciled within the possession at the time of the necessities being supplied:
- (11.) Claims in respect of the building, equipping, or repairing within any British possession of any ship of which no owner or part owner is domiciled within the possession at the time of the work being done.

(*m*) See the Appellate Jurisdiction Act, 1876 (39 & 40 Vict. c. 59), which in sect. 23 removes doubts as to the

exercise by the Admiralty of the powers here referred to.

11. The Vice Admiralty Courts shall also have jurisdiction—

(1.) In all cases of breach of the regulations and instructions relating to her Majesty's navy at sea :

Jurisdiction of Vice Admiralty Courts.

(2.) In all matters arising out of droits of admiralty.

12. Nothing contained in this act shall be construed to take away or restrict the jurisdiction conferred upon any Vice Admiralty Court by any act of parliament in respect of seizures for breach of the revenue, customs, trade, or navigation laws, or of the laws relating to the abolition of the slave trade (n), or to the capture and destruction of pirates and piratical vessels, or any other jurisdiction now lawfully exercised by any such Court; or any jurisdiction now lawfully exercised by any other Court within her Majesty's dominions.

Nothing to restrict existing jurisdictions.

13. The jurisdiction of the Vice Admiralty Courts, except where it is expressly confined by this act to matters arising within the possession in which the Court is established, may be exercised, whether the cause or right of action has arisen within or beyond the limits of such possession.

As to matters arising beyond limits of colony.

14. Her Majesty may, by order in council, from time to time establish rules touching the practice to be observed in the Vice Admiralty Courts, as also tables of the fees to be taken by the officers and practitioners thereof for all acts to be done therein, and may repeal and alter the existing and all future rules and tables of fees, and establish new rules and tables of fees in addition thereto, or in lieu thereof (o).

Her Majesty empowered to establish and alter rules and tables of fees.

15. A copy of any rules or tables of fees which may at any time be established shall be laid before the House of Commons within three months from the establishing thereof, or if parliament shall not be then sitting, or if the session shall terminate within one month from that date, then within one month after the commencement of the next session.

Rules and tables of fees to be laid before the House of Commons.

16. The rules and tables of fees in force in any Vice Admiralty Court shall, as soon as possible after they have been received in the British possession in which the Court is established, be entered by the registrar in the public books or records of the Court, and the books or records in which they are so entered shall at all reasonable times be open to the inspection of the practitioners and suitors in the Court.

To be entered in the records of the Courts.

17. A copy of the rules and tables of fees in force in any Vice Admiralty Court shall be kept constantly hung up in some conspicuous place as well in the Court as in the office of the registrar.

To be hung up in Court, &c.

18. The fees established for any Vice Admiralty Court shall, after the date fixed for them to come into operation, be the only fees which shall be taken by the officers and practitioners of the Court.

Established fees to be the only fees taken.

19. Any person who shall feel himself aggrieved by the charges of any of the practitioners in any Vice Admiralty Court, or by the taxation thereof by the officers of the Court, may apply to the High Court of Admiralty of England to have the charges taxed, or the taxation thereof revised.

Taxation may be revised by the High Court of Admiralty.

(n) See the Slave Trade Act, 1873 (36 & 37 Vict. c. 88), s. 5. It is understood that rules of practice intended to be issued under the provisions of this section are in course of preparation, and will shortly be submitted for the approval of her Majesty in Council.

(o) See the Slave Trade (East African Courts) Act, 1873 (36 & 37 Vict.

c. 59), which confers vice admiralty jurisdiction in certain matters relating to the Slave Trade on the Consular Courts at Madagascar, Muscat and Zanzibar, and provides that this section shall apply to the Vice Admiralty Court at Aden, and the three above-mentioned Consular Courts. See 36 & 37 Vict. c. 59, s. 5.

Registrar may administer oaths.

20. The registrar of any Vice Admiralty Court shall have power to administer oaths in relation to any matter depending in the Court; and any person who shall wilfully swear falsely in any proceeding before the registrar, or before any other person authorized to administer oaths in the Court, shall be deemed guilty of perjury, and shall be liable to all the penalties attaching to wilful and corrupt perjury.

As to the hearing of cross causes.

21. If a cause of damage by collision be instituted in any Vice Admiralty Court, and the defendant institute a cross cause in respect of the same collision, the judge may, on application of either party, direct both causes to be heard at the same time and on the same evidence, and if the ship of the defendant in one of the causes has been arrested, or security given by him to answer judgment, but the ship of the defendant in the other cause cannot be arrested, and security has not been given to answer judgment therein, the Court may, if it think fit, suspend the proceedings in the former cause until security has been given to answer judgment in the latter cause.

No appeal save from final sentence or order.

22. The appeal from a decree or order of a Vice Admiralty Court lies to her Majesty in council; but no appeal shall be allowed, save by permission of the judge, from any decree or order not having the force or effect of a definitive sentence or final order (p).

Appeal to be made within six months.

23. The time for appealing from any decree or order of a Vice Admiralty Court shall, notwithstanding any existing enactment to the contrary, be limited to six months from the date of the decree or order appealed from; and no appeal shall be allowed where the petition of appeal to her Majesty shall not have been lodged in the registry of the High Court of Admiralty and of appeals within that time, unless her Majesty in council shall, on the report and recommendation of the judicial committee of the privy council, be pleased to allow the appeal to be prosecuted, notwithstanding that the petition of appeal has not been lodged within the time prescribed (p).

Acts repealed. Saving rules established under 2 & 3 Will. 4, c. 51.

24. The acts enumerated in the schedule hereto annexed marked (B.) are hereby repealed, to the extent therein mentioned, but the repeal thereof shall not affect the validity of any rules, orders, regulations, or tables of fees heretofore established and now in force, in pursuance of the act of the second and third William the fourth, chapter fifty-one; but such rules, orders, regulations, and tables of fees shall continue in force until repealed or altered under the provisions of this act.

SCHEDULE A.

List of the existing Vice Admiralty Courts to which this Act applies (q).

Antigua.
Bahamas.
Barbadoes.
Bermuda.
British Columbia.
British Guiana.
British Honduras.
Cape of Good Hope.

Ceylon.
Dominica.
Falkland Islands.
Gambia River.
Gibraltar.
Gold Coast.
Grenada.
Hong Kong.

(p) See the Slave Trade (East African Courts) Act, 1873 (36 & 37 Vict. c. 59), s. 4.

(q) See the Vice Admiralty Courts Act Amendment Act, 1867 (30 & 31 Vict. c. 45), s. 17.

Jamaica.	Queensland.
Labuan.	Saint Christopher.
Lagos.	Saint Helena.
Lower Canada, otherwise Quebec.	Saint Lucia.
Malta.	Saint Vincent.
Mauritius.	Sierra Leone.
Montserrat.	South Australia.
Natal.	Tasmania, formerly called Van Diemen's Land.
Nevis.	Tobago.
New Brunswick.	Trinidad.
Newfoundland.	Vancouver's Island.
New South Wales.	Victoria.
New Zealand.	Virgin Islands, otherwise Tortola.
Nova Scotia, otherwise Halifax.	Western Australia (r).
Prince Edward Island.	

SCHEDULE B.

ACTS AND PARTS OF ACTS REPEALED.

Reference to Act.	Title of Act.	Extent of Repeal.
56 Geo. 3, c. 82 ..	An Act to render valid the Judicial Acts of Surrogates of Vice Admiralty Courts abroad, during Vacancies in Office of Judges of such Courts.	The whole Act, save as regards Her Majesty's Possessions in India.
5 Geo. 4, c. 113 (s) ..	An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.	Section 29, save as above.
2 & 3 Will. 4, c. 51 ..	An Act to regulate the Practice and the Fees in the Vice Admiralty Courts abroad, and to obviate Doubts as to their Jurisdiction.	The whole Act, save as above.
6 & 7 Vict. c. 38 (t) ..	An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.	Section 11, so far as it relates to Appeals from Vice Admiralty Courts, save as above.
17 & 18 Vict. c. 37 ..	An Act for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice-Admiralty in Mauritius.	The whole Act.

(r) The following Vice Admiralty Courts have been established since the passing of this act:—

Aden (with limited jurisdiction in slave trade matters only);

Fiji.

(s) See the Slave Trade Act, 1873 (36 & 37 Vict. c. 88).

(t) Portions of this act are repealed by the Statute Law Revision Act, 1874 (No. 2), (37 & 38 Vict. c. 96).

26 & 27 VICT. c. 51.

An Act to amend the Passengers Act, 1855 (t).

[13th July, 1863.]

18 & 19 Vict. c. 19. WHEREAS it is expedient to amend the Passengers Act, 1855, in the particulars hereinafter mentioned: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This act may be cited for all purposes as "The Passengers Act Amendment Act, 1863."

[Section 2 is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66).]

Definition of "passenger ship" in section 3 of repealed act repealed, and other provisions made. 3. *The definition in the third section of the Passengers Act, 1855, of the term "passenger ship," is hereby repealed, and for the purposes of the said act and of this act the term "passenger ship" shall signify every description of sea-going vessel, whether British or foreign, carrying upon any voyage to which the provisions of the said Passengers Act, 1855, shall extend, more than fifty passengers, or a greater number of passengers than in the proportion of one statute adult to every thirty-three tons of the registered tonnage of such ships, if propelled by sails, or than one statute adult to every twenty tons, if propelled by steam(u).*

Mail steamers carrying other than cabin passengers to be subject to the act. 4. *So much of the fourth section of the said Passengers Act, 1855, as exempts from the operation of the act any steam vessel carrying mails under contract with the government of the state or colony to which such vessel may belong is hereby repealed, and every steam vessel, whether British, foreign, or colonial, which shall carry passengers other than cabin passengers in sufficient number to bring such vessel within the definition of a passenger ship, as set forth in the third section of this act, shall be subject to the provisions of the said act and of this act in like manner as any passenger ship not carrying a mail(u).*

Repeal of tonnage check on number of passengers to be carried in a passenger ship. 5. *The first rule of the fourteenth section of the said Passengers Act, 1855, which limits the number of persons to be carried in a passenger ship by her registered tonnage, together with so much of the concluding portion of the same section as relates to such rule, is hereby repealed, except so far as relates to any penalty incurred or legal proceedings taken thereunder(v).*

Cabin passengers to be included in passenger lists. 6. *In the passenger lists required by the sixteenth and seventeenth sections of the Passengers Act, 1855, to be delivered by the master of every ship before demanding a clearance, there shall be set forth, in addition to the other particulars required by the Passengers Act, 1855, the names of all cabin passengers on board such ships, specifying whether they respectively are under or over twelve years of age, and at what place the passengers and cabin passengers respectively are to be landed, and the schedule (B.) (x) to the said act shall be altered accordingly.*

Limit of penalty on stow. 7. *The limit of the penalty imposed by the eighteenth section of the*

(t) See the Passengers Act Amendment Act, 1870 (33 & 34 Vict. c. 95); the M. S. Act, 1872, and the M. S. Act, 1876.

(u) The words printed in italics in sections 3 and 4 are repealed by the Statute Law Revision Act, 1875 (38 &

39 Vict. c. 66), as to all her Majesty's dominions.

(v) This section is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66), as to all her Majesty's dominions.

(x) See post, "Forms," No. 32.

said Passengers Act, 1855, on persons convicted of getting on board any passenger ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, and on persons aiding or abetting in such fraudulent attempt, shall be extended from five pounds to twenty pounds. always extended from 5*l.* to 20*l.*

8. Notwithstanding the prohibition contained in the twenty-ninth section of the said Passengers Act, 1855, horses and cattle may be carried as cargo in passenger ships, subject to the following conditions: Horses and cattle may be carried in passenger ships, under conditions herein named.

- (1.) That the animals be not carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment, except in a ship built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the upper deck :
- (2.) That clear space on the spar or weather deck be left for the use and exercise of the passengers, at the rate of at least ten superficial feet for each statute adult :
- (3.) That no greater number of passengers be carried than in the proportion of fifteen to every one hundred tons of the ship's registered tonnage :
- (4.) That in passenger ships of less than five hundred tons registered tonnage not more than two head of large cattle be carried, nor in passenger ships of larger tonnage more than one additional head of such cattle for every additional two hundred tons of the ship's registered tonnage, nor more in all in any passenger ship than ten head of such cattle : The term "large cattle" shall include both sexes of horned cattle, deer, horses, and asses ; four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle :
- (5.) That proper arrangements be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals, and for the stowage of their fodder :
- (6.) Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any passenger ship : For any breach of this prohibition, or of any of the above conditions, the owner, charterer, and master of the ship, or any of them, shall be liable for each offence to a penalty not exceeding three hundred pounds nor less than five pounds (y).

Definition of the term "large cattle."

Dogs and pigs.

9. The requirements of the thirty-fifth section of the said Passengers Act, 1855, that six ounces of lime juice should be issued weekly to each statute adult on voyages exceeding eighty-four days in duration for sailing vessels, or fifty days for steamers, shall be confined to the period when the ship shall be within the tropics ; during the other portions of the voyage the issue of lime juice shall be at the discretion of the medical practitioner on board ; or, if there be no such practitioner on board, at the discretion of the master of the ship (z). Issue of lime juice.

10. In addition to the substitutions in the dietary scales specified in the thirty-fifth section of the said Passengers Act, 1855, soft bread baked on board may be issued, at the option of the master of any passenger ship, in lieu of the following articles, and in the following proportions ; (that is to say,) one pound and a quarter of a pound of such soft bread may be issued in lieu of one pound of flour, or of one pound of biscuit, or of one pound Substitution of soft bread for other bread stuffs.

(y) See the Passengers Act Amendment Act, 1870 (33 & 34 Vict. c. 95),

s. 3, and the M. S. Act, 1876, s. 20.

(z) See the M. S. Act, 1867, s. 4.

and a quarter of a pound of oatmeal, or of one pound of rice, or of one pound of peas (a).

Sect. 46 of recited act to apply to cabin passengers, and passage money made recoverable immediately on relanding.

Sects. 12, 51, 53, and 54 of recited act repealed, and other provisions substituted.

Forfeiture of ship if master proceeds to sea without certificate of clearance, &c.

Such ship to be dealt with as if seized under customs laws.

Power to secretary of state to release ships on payment of a sum of money.

In case of wreck or damage in or near United Kingdom, passengers to be provided with a passage by some other vessel, and maintained in the meantime.

11. The forty-sixth section of the said Passengers Act, 1855, shall be applicable to cabin as well as to other passengers landed on account of sickness; and the passage money of all cabin or other passengers so landed may be recovered in the manner pointed out in the said act, upon the delivery up of their contract tickets (b), and notwithstanding that the ship may not have sailed: Provided always, that in the case of cabin passengers so landed one-half only of their passage money shall be recoverable.

12. The twelfth, fifty-first, fifty-third, and fifty-fourth sections of the said Passengers Act, 1855, shall be and the same are hereby repealed, except as to the recovery and application of any penalty for any offence committed against the said act, and except so far as may be necessary for supporting or continuing any proceeding heretofore taken or hereafter to be taken thereunder; and in lieu of the enactments contained in such sections the enactments in the four next following sections shall respectively be substituted; (that is to say,) (c)

13. If any passenger ship shall clear out or proceed to sea without the master having first obtained such certificate of clearance (d), or without his having joined in executing such bond (b) to the crown as by the said Passengers Act, 1855, are required, or if such ship, after having put to sea, shall put into any port or place in the United Kingdom in a damaged state, and shall leave or attempt to leave such port or place with passengers on board without the master having first obtained such certificate of clearance as is required by section fifty of the said Passengers Act, 1855, such ship shall be forfeited to the use of her Majesty, and may be seized by any officer of the customs, if found, within two years from the commission of the offence, in any port or place in her Majesty's dominions; and such ship shall thereupon be dealt with in the same manner as if she had been seized as forfeited for an offence incurring forfeiture under any of the laws relating to the customs: Provided that it shall be lawful for one of her Majesty's principal secretaries of state to release, if he shall think fit, any such forfeited ship from seizure and forfeiture, on payment by the owner, charterer, or master thereof, to the use of her Majesty, of such sum not exceeding two thousand pounds as such secretary of state may by any writing under his hand specify (e).

14. If any passenger ship shall be wrecked, or otherwise rendered unfit to proceed on her intended voyage, while in any port of the United Kingdom, or after the commencement of the voyage, and if the passengers, or any of them, shall be brought back to the United Kingdom, or if any passenger ship shall put into any port or place in the United Kingdom in a damaged state, the master, charterer, or owner shall, within forty-eight hours thereafter, give to the nearest emigration officer, or in the absence of such officer to the chief officer of customs, a written undertaking to the following effect; that is to say, if the ship shall have been wrecked, or rendered unfit as aforesaid to proceed on her voyage, that the owner, charterer, or master thereof shall embark and convey the passengers in some other eligible ship, to sail within six weeks from the date thereof, to the port or place for which their passages respectively had been previously taken; and if the ship shall have put into port in a damaged state, then that she shall be made seaworthy, and fit in all

(a) See the M. S. Act, 1876, s. 20.

(b) See *post*, "Forms," No. 32.

(c) Section 12 is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66), as to all her Majesty's dominions.

(d) See *post*, "Forms," No. 31.

(e) The powers conferred by this section on one of the secretaries of state are transferred to the Board of Trade by the M. S. Act, 1872, s. 7.

respects for her intended voyage, and shall, within six weeks from the date of such undertaking, sail again with her passengers; in either of the above cases the owner, charterer, or master shall, until the passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay to them subsistence money after the rate of one shilling and sixpence a day for each statute adult, unless the passengers shall be maintained in any hulk or establishment under the superintendence of the emigration commissioners (*f*) mentioned in the said "Passengers Act, 1855," in which case the subsistence money shall be paid to the emigration officer at such port or place. If the substituted ship or damaged ship, as the case may be, shall not sail within the time prescribed as aforesaid, or if default shall be made in any of the requirements of this section, such passengers respectively, or any emigration officer on their behalf, shall be entitled to recover, by summary process, as in the said "Passengers Act, 1855," is mentioned, all monies which shall have been paid by or on account of such passengers or any of them for such passage, from the party to whom or on whose account the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer: Provided that the said emigration officer may, if he shall think it necessary, direct that the passengers shall be removed from such damaged "passenger ship," at the expense of the master thereof; and if after such direction any passenger shall refuse to leave such ship, he shall be liable to a penalty not exceeding forty shillings, or to imprisonment not exceeding one calendar month.

Power to remove passengers from damaged ship; Penalty on passengers refusing.

15. If any passenger or cabin passenger of any passenger ship shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that for which the ship was originally bound, or at which he or the emigration commissioners, or any public officer or other person on his behalf, may have contracted that he should land, it shall be lawful for the governor of such colony, or for any person authorized by him for the purpose, or for her Majesty's consular officer at such foreign port or place, as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the governor or consular officer, as the case may be, a written undertaking to forward or carry on, within six weeks thereafter, such passenger or cabin passenger to his original destination, and unless such master shall accordingly forward or carry him on within that period.

Governors or consuls may send on passengers if the master of the ship fail to do so.

16. All expenses incurred under the last preceding section or under the fifty-second section of "The Passengers Act, 1855," or either of them, by or by the authority of such secretary of state, governor, or consular officer, or other person, as therein respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions and stores, shall become a debt to her Majesty and her successors from the owner, charterer and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of her Majesty, in like manner as in the case of other crown debts; and a certificate in the form in schedule (A.) hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such secretary of state, governor or consular officer, (as the case may be,) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the handwriting or of the official character of such secretary of state, governor, or consular officer, and shall be deemed sufficient evidence of the amount of such expenses,

Expenses incurred under the two preceding sections to be a debt due to the crown.

(*f*) Now the Board of Trade; see the M. S. Act, 1872, s. 5.

Passengers forwarded by governor, &c. not entitled to return of passage money.

Bond to repay expenses of rescuing and forwarding shipwrecked passengers, where owners and charterers of vessel reside abroad.

Recited act and this to be as one.

and that the same were duly incurred, nor shall it be necessary to adduce on behalf of her Majesty any other evidence in support of the claim, but judgment shall pass for the crown, with costs of suit, unless the defendant shall specially plead and duly prove that such certificate is false or fraudulent, or shall specially plead and prove any facts showing that such expenses were not duly incurred under the provisions of this act, and of the said "Passengers Act, 1855," or either of them: Provided nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received or due to and recoverable by or on account of the owner, charterer or master of such passenger ship, or any of them, for or in respect of the whole number of passengers and cabin passengers who may have embarked in such ship, which total amount of passage money shall be proved by the defendant, if he will have the advantage of this limitation of the debt; but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage under the provisions of the said "Passengers Act, 1855."

17. In the case of a passenger ship, of which neither the owners nor charterers reside in the United Kingdom, the bond required to be given to the crown by the sixty-third section of "The Passengers Act, 1855," shall be for the sum of five thousand pounds instead of two thousand pounds; and an additional condition shall be inserted in such bond to the effect that the obligors therein shall, subject to the provisions and limitations hereinbefore contained, be liable for and shall pay to her Majesty and her successors, as a crown debt, all expenses which may be incurred under the provisions hereinbefore and in "The Passengers Act, 1855," contained, in rescuing, maintaining and forwarding to their destination any passengers of such ships who by reason of shipwreck or any other cause, except their own neglect or default, may not be conveyed to their intended destination by or on behalf of the owner, charterer or master of such ship.

18. The said "Passengers Act, 1855," and this act shall be construed together as one act.

SCHEDULE (A.)

Form of Governor's or Consul's Certificate of Expenditure in the Case of Passengers shipwrecked, &c.

* N.B.—1. If more passengers were rescued than forwarded, or if bedding, &c. was not supplied, alter the certificate to suit the facts of the case.

† N.B.—2. Omit words in brackets when necessary.

‡ N.B.—3. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind, without any default of their own, state the fact accordingly.

I hereby certify, That, acting under and in conformity with the provisions of the British "Passengers Act, 1855," and of the "Passengers Act Amendment Act, 1863," I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores,* and in forwarding to their destination passengers [including cabin passengers†], who were proceeding from to in the passenger ship , which was wrecked at sea, &c.‡

And I further certify, for the purposes of the tenth section of the said "Passengers Amendment Act, 1863" (e), that the total amount of such expenses is pounds, and that such expenses were duly incurred by me under the said acts or one of them.

Given under my hand, this day of 18 .

{ Governor of, &c., (or as the case may be), her Britannic Majesty's consul at .

(e) The sixteenth section is obviously the section meant.

27 & 28 VICT. c. 25.

An Act for Regulating Naval Prize of War.

[23rd June, 1864.]

WHEREAS it is expedient to enact permanently, with amendments, such provisions concerning naval prize, and matters connected therewith, as have heretofore been usually passed at the beginning of a war:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

1. This act may be cited as "The Naval Prize Act, 1864."

Short title.

2. In this act—

Interpretation of terms.

The term "the lords of the admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of lord high admiral:

The term "the High Court of Admiralty" means the High Court of Admiralty of England:

The term "any of her Majesty's ships of war" includes any of her Majesty's vessels of war, and any hired armed ship or vessel in her Majesty's service:

The term "officers and crew" includes flag officers, commanders, and other officers, engineers, seamen, marines, soldiers, and others on board any of her Majesty's ships of war:

The term "ship" includes vessel and boat, with the tackle, furniture, and apparel of the ship, vessel, or boat:

The term "ship papers" includes all books, passes, sea briefs, charter parties, bills of lading, cockets, letters, and other documents and writings delivered up or found on board a captured ship:

The term "goods" includes all such things as are by the course of admiralty and law of nations the subject of adjudication as prize (other than ships).

I.—PRIZE COURTS.

3. The High Court of Admiralty, and every Court of Admiralty or of Vice-Admiralty, or other Court exercising Admiralty jurisdiction in her Majesty's dominions, for the time being authorized to take cognizance of and judicially proceed in matters of prize, shall be a Prize Court within the meaning of this act.

High court of admiralty and other courts to be prize courts for purposes of act.

Every such Court, other than the High Court of Admiralty, is comprised in the term "Vice-Admiralty Prize Court," when hereafter used in this act.

High Court of Admiralty.

4. The High Court of Admiralty (f) shall have jurisdiction throughout her Majesty's dominions as a Prize Court.

Jurisdiction of High Court of Admiralty.

The High Court of Admiralty as a Prize Court shall have power to enforce any order or decree of a Vice-Admiralty Prize Court, and any order or decree of the Judicial Committee of the Privy Council in a prize appeal.

Appeal; Judicial Committee.

5. An appeal shall lie to her Majesty in council from any order or decree of a Prize Court, as of right in case of a final decree, and in other cases with the leave of the Court making the order or decree.

Appeal to Queen in council, in what cases.

(f) See the Judicature Act, 1873 (36 & 37 Vict. c. 66), ss. 3, 16, 34, 42, 44.

Every appeal shall be made in such manner and form and subject to such regulations (including regulations as to fees, costs, charges, and expenses) as may for the time being be directed by order in council, and in the absence of any such order, or so far as any such order does not extend, then in such manner and form and subject to such regulations as are for the time being prescribed or in force respecting maritime causes of appeal.

**Jurisdiction of
judicial com-
mittee in prize
appeals.**

6. The Judicial Committee of the Privy Council shall have jurisdiction to hear and report on any such appeal, and may therein exercise all such powers as for the time being appertain to them in respect of appeals from any Court of Admiralty jurisdiction, and all such powers as are under this act vested in the High Court of Admiralty, and all such powers as were wont to be exercised by the Commissioners of Appeal in prize causes.

**Custody of
processes,
papers, &c.**

7. All processes and documents required for the purposes of any such appeal shall be transmitted to and shall remain in the custody of the registrar of her Majesty in prize appeals.

**Limit of time
for appeal.**

8. In every such appeal the usual inhibition shall be extracted from the registry of her Majesty in prize appeals within three months after the date of the order or decree appealed from if the appeal be from the High Court of Admiralty, and within six months after that date if it be from a Vice-Admiralty Prize Court.

The Judicial Committee may, nevertheless, on sufficient cause shown, allow the inhibition to be extracted and the appeal to be prosecuted after the expiration of the respective periods aforesaid.

Vice-Admiralty Prize Courts.

**Enforcement
of orders of
high court, &c.**

9. Every Vice-Admiralty Prize Court shall enforce within its jurisdiction all orders and decrees of the Judicial Committee in prize appeals and of the High Court of Admiralty in prize causes.

[Sections 10 and 11 relate to the salaries and pensions of the judges of the Vice-Admiralty Prize Courts.]

**Returns from
vice-admiralty
prize courts.**

12. The registrar of every Vice-Admiralty Prize Court shall, on the first day of January and first day of July in every year, make out a return (in such form as the lords of the admiralty from time to time direct) of all cases adjudged in the Court since the last half-yearly return, and shall with all convenient speed send the same to the registrar of the High Court of Admiralty, who shall keep the same in the registry of that Court, and who shall, as soon as conveniently may be, send a copy of the returns of each half-year to the lords of the admiralty, who shall lay the same before both houses of parliament.

General.

**General orders
for prize
courts.**

13. The Judicial Committee of the Privy Council, with the judge of the High Court of Admiralty, may from time to time frame general orders for regulating (subject to the provisions of this act) the procedure and practice of Prize Courts, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the Courts, and the costs, charges, and expenses to be allowed to the practitioners therein.

Any such general orders shall have full effect, if and when approved by her Majesty in council, but not sooner or otherwise.

Every order in council made under this section shall be laid before both houses of parliament.

Every such order in council shall be kept exhibited in a conspicuous place in each court to which it relates.

14. It shall not be lawful for any registrar, marshal, or other officer of any Prize Court, or for the registrar of her Majesty in prize appeals, directly or indirectly to act or be in any manner concerned as advocate, proctor, solicitor, or agent, or otherwise, in any prize cause or appeal, on pain of dismissal or suspension from office, by order of the Court or of the Judicial Committee (as the case may require).

Prohibition of officer of prize court acting as proctor, &c.

15. It shall not be lawful for any proctor or solicitor, or person practising as a proctor or solicitor, being employed by a party in a prize cause or appeal, to be employed or concerned, by himself or his partner, or by any other person, directly or indirectly, by or on behalf of any adverse party in that cause or appeal, on pain of exclusion or suspension from practice in prize matters, by order of the Court or of the Judicial Committee (as the case may require).

Prohibition of proctors being concerned for adverse parties in a cause.

II.—PROCEDURE IN PRIZE CAUSES.

Proceedings by Captors.

16. Every ship taken as a prize, and brought into port within the jurisdiction of a Prize Court, shall forthwith, and without bulk broken, be delivered up to the marshal of the Court.

Custody of prize ships.

If there is no such marshal, then the ship shall be in like manner delivered up to the principal officer of customs at the port.

The ship shall remain in the custody of the marshal, or of such officer, subject to the orders of the Court.

17. The captors shall, with all practicable speed after the ship is brought into port, bring the ship papers into the registry of the Court.

Bringing in of ship papers.

The officer in command, or one of the chief officers of the capturing ship, or some other person who was present at the capture, and saw the ship papers delivered up or found on board, shall make oath that they are brought in as they were taken, without fraud, addition, subduction or alteration, or else shall account on oath to the satisfaction of the Court for the absence or altered condition of the ship papers or any of them.

Where no ship papers are delivered up or found on board the captured ship, the officer in command, or one of the chief officers of the capturing ship, or some other person who was present at the capture, shall make oath to that effect.

18. As soon as the affidavit as to ship papers is filed, a monition shall issue, returnable within twenty days from the service thereof, citing all persons in general to show cause why the captured ship should not be condemned.

Issue of monition.

19. The captors shall, with all practicable speed after the captured ship is brought into port, bring three or four of the principal persons belonging to the captured ship before the judge of the Court or some person authorized in this behalf, by whom they shall be examined on oath on the standing interrogatories.

Examinations on standing interrogatories.

The preparatory examinations on the standing interrogatories shall, if possible, be concluded within five days from the commencement thereof.

20. After the return of the monition, the Court shall, on production of the preparatory examinations and ship papers, proceed with all convenient speed either to condemn or to release the captured ship.

Adjudication by Court.

21. Where, on production of the preparatory examinations and ship

Further proof.

papers, it appears to the Court doubtful whether the captured ship is good prize or not, the Court may direct further proof to be adduced, either by affidavit or by examination of witnesses, with or without pleadings, or by production of further documents; and on such further proof being adduced the Court shall with all convenient speed proceed to adjudication.

Custody, &c.
of ships of
war.

22. The foregoing provisions, as far as they relate to the custody of the ship, and to examination on the standing interrogatories, shall not apply to ships of war taken as prize.

Claim.

Entry of
claim; security
for costs.

23. At any time before final decree made in the cause, any person claiming an interest in the ship may enter in the registry of the Court a claim, verified on oath.

Within five days after entering the claim, the claimant shall give security for costs in the sum of sixty pounds; but the Court shall have power to enlarge the time for giving security, or to direct security to be given in a larger sum, if the circumstances appear to require it.

Appraisement.

Power to
Court to direct
appraisement.

24. The Court may, if it thinks fit, at any time direct that the captured ship be appraised.

Every appraisement shall be made by competent persons sworn to make the same according to the best of their skill and knowledge.

Delivery on Bail.

Power to
Court to direct
delivery to
claimant on
bail.

25. After appraisement, the Court may, if it thinks fit, direct that the captured ship be delivered up to the claimant, on his giving security to the satisfaction of the Court to pay to the captors the appraised value thereof in case of condemnation.

Sale.

Power to
Court to order
sale.

26. The Court may at any time, if it thinks fit, on account of the condition of the captured ship, or on the application of a claimant, order that the captured ship be appraised as aforesaid (if not already appraised), and be sold.

Sale on con-
demnation.

27. On or after condemnation the Court may, if it thinks fit, order that the ship be appraised as aforesaid (if not already appraised), and be sold.

How sales to
be made.

28. Every sale shall be made by or under the superintendence of the marshal of the Court or of the officer having the custody of the captured ship.

Payment of
proceeds to
paymaster
general or
official ac-
countant.

29. The proceeds of any sale, made either before or after condemnation, and after condemnation the appraised value of the captured ship, in case she has been delivered up to a claimant on bail, shall be paid under an order of the Court either into the Bank of England to the credit of her Majesty's paymaster general, or into the hands of an official accountant (belonging to the commissariat or some other department) appointed for this purpose by the commissioners of her Majesty's treasury or by the lords of the admiralty, subject in either case to such regulations as may from time to time be made, by order in council, as to the custody and disposal of money so paid.

Small armed Ships.

One adjudica-

30. The captors may include in one adjudication any number, not ex-

ceeding six, of armed ships not exceeding one hundred tons each, taken within three months next before institution of proceedings. tion as to several small ships.

Goods.

31. The foregoing provisions relating to ships shall extend and apply, *mutatis mutandis*, to goods taken as prize on board ship; and the Court may direct such goods to be unladen, inventoried, and warehoused. Application of foregoing provisions to prize goods.

Monition to Captors to proceed.

32. If the captors fail to institute or to prosecute with effect proceedings for adjudication, a monition shall, on the application of a claimant, issue against the captors, returnable within six days from the service thereof, citing them to appear and proceed to adjudication; and on the return thereof the Court shall either forthwith proceed to adjudication or direct further proof to be adduced as aforesaid, and then proceed to adjudication. Power to Court to call on captors to proceed to adjudication.

Claim on Appeal.

33. Where any person, not an original party in the cause, intervenes on appeal, he shall enter a claim, verified on oath, and shall give security for costs. Person intervening on appeal to enter claim.

III.—SPECIAL CASES OF CAPTURE.

[Sections 34 and 35 relate to the jurisdiction of Prize Courts in cases of capture in expeditions on land or in conjunction with allies.]

[Section 36 relates to the procedure of Prize Courts on petitions by asserted joint captors.]

Offences against Law of Prize.

37. A Prize Court, on proof of any offence against the law of nations, or against this act, or any act relating to naval discipline, or against any order in council or royal proclamation, or of any breach of her Majesty's instructions relating to prize, or of any act of disobedience to the orders of the lords of the admiralty, or to the command of a superior officer, committed by the captors in relation to any ship or goods taken as prize, or in relation to any person on board any such ship, may, on condemnation, reserve the prize to her Majesty's disposal, notwithstanding any grant that may have been made by her Majesty in favour of captors. In case of offence by captors, prize to be reserved for Crown.

Pre-emption.

38. Where a ship of a foreign nation passing the seas laden with naval or victualling stores intended to be carried to a port of any enemy of her Majesty is taken and brought into a port of the United Kingdom, and the purchase for the service of her Majesty of the stores on board the ship appears to the lords of the admiralty expedient without the condemnation thereof in a Prize Court, in that case the lords of the admiralty may purchase, on the account or for the service of her Majesty, all or any of the stores on board the ship; and the Commissioners of Customs may permit the stores purchased to be entered and landed within any port. Purchase by admiralty for public service of stores on board foreign ships.

Capture by Ship other than a Ship of War.

39. Any ship or goods taken as prize by any of the officers and crew of a ship other than a ship of war of her Majesty shall, on condemnation, belong to her Majesty in her office of admiralty. Prizes taken by ships other than ships of war to be droits of admiralty.

IV.—PRIZE SALVAGE.

Salvage to re-captors of British ship or goods from enemy.

40. Where any ship or goods belonging to any of her Majesty's subjects, after being taken as prize by the enemy, is or are retaken from the enemy by any of her Majesty's ships of war, the same shall be restored by decree of a Prize Court to the owner, on his paying as prize salvage one-eighth part of the value of the prize to be decreed and ascertained by the Court, or such sum not exceeding one-eighth part of the estimated value of the prize as may be agreed on between the owner and the recaptors, and approved by order of the Court: Provided, that where the re-capture is made under circumstances of special difficulty or danger, the Prize Court may, if it thinks fit, award to the re-captors as prize salvage a larger part than one-eighth part, but not exceeding in any case one-fourth part, of the value of the prize.

Provided also, that where a ship after being so taken is set forth or used by any of her Majesty's enemies as a ship of war, this provision for restitution shall not apply, and the ship shall be adjudicated on as in other cases of prize.

Permission to re-captured ship to proceed on voyage.

41. Where a ship belonging to any of her Majesty's subjects, after being taken as prize by the enemy, is retaken from the enemy by any of her Majesty's ships of war, she may, with the consent of the re-captors, prosecute her voyage, and it shall not be necessary for the re-captors to proceed to adjudication till her return to a port of the United Kingdom.

The master or owner, or his agent, may, with the consent of the re-captors, unload and dispose of the goods on board the ship before adjudication.

In case the ship does not, within six months, return to a port of the United Kingdom, the re-captors may nevertheless institute proceedings against the ship or goods in the High Court of Admiralty, and the Court may thereupon award prize salvage as aforesaid to the re-captors, and may enforce payment thereof, either by warrant of arrest against the ship or goods, or by monition and attachment against the owner.

[Sections 42, 43 and 44 relate to the ascertainment of, and distribution of prize bounty to, the officers and crew of her Majesty's ships of war.]

VI.—MISCELLANEOUS PROVISIONS.

Ransom.

Power for regulating ransom by order in council.

45. Her Majesty in council may from time to time, in relation to any war, make such orders as may seem expedient, according to circumstances, for prohibiting or allowing, wholly or in certain cases, or subject to any conditions or regulations or otherwise, as may from time to time seem meet, the ransoming or the entering into any contract or agreement for the ransoming of any ship or goods belonging to any of her Majesty's subjects, and taken as prize by any of her Majesty's enemies.

Any contract or agreement entered into, and any bill, bond, or other security given for ransom of any ship or goods, shall be under the exclusive jurisdiction of the High Court of Admiralty as a Prize Court (subject to appeal to the Judicial Committee of the Privy Council), and if entered into or given in contravention of any such order in council shall be deemed to have been entered into or given for an illegal consideration.

If any person ransoms or enters into any contract or agreement for ransoming any ship or goods, in contravention of any such order in council, he shall for every such offence be liable to be proceeded against in the High Court of Admiralty at the suit of her Majesty in her office of Admiralty, and on conviction to be fined, in the discretion of the Court, any sum not exceeding five hundred pounds.

Convoy.

46. If the master or other person having the command of any ship of any of her Majesty's subjects, under the convoy of any of her Majesty's ships of war, wilfully disobeys any lawful signal, instruction, or command of the commander of the convoy, or without leave deserts the convoy, he shall be liable to be proceeded against in the High Court of Admiralty at the suit of Majesty in her office of Admiralty, and upon conviction to be fined, in the discretion of the Court, any sum not exceeding five hundred pounds, and to suffer imprisonment for such time, not exceeding one year, as the Court may adjudge (*f*).

Punishment of masters of merchant vessels under convoy disobeying orders or deserting convoy.

Customs Duties and Regulations.

47. All ships and goods taken as prize and brought into a port of the United Kingdom shall be liable to and be charged with the same rates and charges and duties of customs as under any act relating to the customs may be chargeable on other ships and goods of the like description; and

Prize ships and goods liable to duties and forfeiture.

All goods brought in as prize which would on the voluntary importation thereof be liable to forfeiture or subject to any restriction under the laws relating to the customs, shall be deemed to be so liable and subject, unless the Commissioners of Customs see fit to authorize the sale or delivery thereof for home use or exportation, unconditionally or subject to such conditions and regulations as they may direct.

48. Where any ship or goods taken as prize is or are brought into a port of the United Kingdom, the master or other person in charge or command of the ship which has been taken or in which the goods are brought shall, on arrival at such port, bring to at the proper place of discharge, and shall, when required by any officer of customs, deliver an account in writing under his hand concerning such ship and goods, giving such particulars relating thereto as may be in his power, and shall truly answer all questions concerning such ship or goods asked by any such officer, and in default shall forfeit a sum not exceeding one hundred pounds, such forfeiture to be enforced as forfeitures for offences against the laws relating to the customs are enforced, and every such ship shall be liable to such searches as other ships are liable to, and the officers of the customs may freely go on board such ship and bring to the Queen's warehouse any goods on board the same, subject, nevertheless, to such regulations in respect of ships of war belonging to her Majesty as shall from time to time be issued by the Commissioners of her Majesty's treasury.

Regulations of customs to be observed as to prize ships and goods.

49. Goods taken as prize may be sold either for home consumption or for exportation; and if in the former case the proceeds thereof, after payment of duties of customs, are insufficient to satisfy the just and reasonable claims thereon, the Commissioners of her Majesty's treasury may remit the whole or such part of the said duties as they see fit.

Power for treasury to remit customs duties in certain cases.

Perjury.

50. If any person wilfully and corruptly swears, declares, or affirms falsely in any prize cause or appeal, or in any proceeding under this act, or in respect of any matter required by this act to be verified on oath, or suborns any other person to do so, he shall be deemed guilty of perjury, or of subornation of perjury (as the case may be), and shall be liable to be punished accordingly.

Punishment of persons guilty of perjury.

Limitation of Actions, &c.

51. Any action or proceeding shall not lie in any part of her Majesty's dominions against any person acting under the authority or in the execu-

Actions against persons executing act not

(*f*) See the Naval Discipline Act, 1866 (29 & 30 Vict. c. 109), s. 31.

to be brought
without notice,
&c.

tion or intended execution or in pursuance of this act for any alleged irregularity or trespass, or other act or thing done or omitted by him under this act, unless notice in writing (specifying the cause of the action or proceeding) is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding, nor unless the action or proceeding is commenced within six months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within six months next after the doing of such damage has ceased. . . .

[The remainder of this section, relating to procedure, it is not considered necessary to set out.]

Petitions of Right.

Jurisdiction of
high court of
admiralty on
petitions of
right in certain
cases, as in
23 & 24 Vict.
c. 34.

52. A petition of right, under the Petitions of Right Act, 1860, may, if the suppliant thinks fit, be intituled in the High Court of Admiralty (*g*), in case the subject matter of the petition or any material part thereof arises out of the exercise of any belligerent right on behalf of the crown, or would be cognizable in a Prize Court within her Majesty's dominions if the same were a matter in dispute between private persons.

Any petition of right under the last-mentioned act, whether intituled in the High Court of Admiralty or not, may be prosecuted in that Court, if the lord chancellor thinks fit so to direct.

The provisions of this act relative to appeal, and to the framing and approval of general orders for regulating the procedure and practice of the High Court of Admiralty, shall extend to the case of any such petition of right intituled or directed to be prosecuted in that Court; and, subject thereto, all the provisions of the Petitions of Right Act, 1860, shall apply, *mutatis mutandis*, in the case of any such petition of right; and for the purposes of the present section the terms "Court" and "judge" in that act shall respectively be understood to include and to mean the High Court of Admiralty and the judge thereof, and other terms shall have the respective meanings given to them in that act.

Orders in Council.

Power to make
orders in
council.

53. Her Majesty in council may from time to time make such orders in council as seem meet for the better execution of this act.

Order in coun-
cil to be
gazetted, &c.

54. Every order in council under this act shall be published in the *London Gazette*, and shall be laid before both houses of parliament within thirty days after the making thereof, if parliament is then sitting, and, if not, then within thirty days after the next meeting of parliament.

Savings.

Not to affect
rights of
crown; effect
of treaties, &c.

55. Nothing in this act shall—

- (1.) Give to the officers and crew of any of her Majesty's ships of war any right or claim in or to any ship or goods taken as prize or the proceeds thereof, it being the intent of this act that such officers and crews shall continue to take only such interest (if any) in the proceeds of prizes as may be from time to time granted to them by the crown; or
- (2.) Affect the operation of any existing treaty or convention with any foreign power; or
- (3.) Take away or abridge the power of the crown to enter into any treaty or convention with any foreign power containing any stipulation that may seem meet concerning any matter to which this act relates; or

(*g*) See the Judicature Act, 1873 (36 & 37 Vict. c. 66), ss. 2, 16, 34, 42, 44.

- (4.) Take away, abridge, or control, further or otherwise than as expressly provided by this act, any right, power, or prerogative of her Majesty the Queen in right of her crown, or in right of her office of admiralty, or any right or power of the lord high admiral of the United Kingdom, or of the commissioners for executing the office of lord high admiral; or
- (5.) Take away, abridge, or control, further or otherwise than as expressly provided by this act, the jurisdiction or authority of a Prize Court to take cognizance of and judicially proceed upon any capture, seizure, prize, or reprisal of any ship or goods, and to hear and determine the same, and, according to the course of admiralty and the law of nations, to adjudge and condemn any ship or goods, or any other jurisdiction or authority of or exercisable by a Prize Court.

Commencement.

56. This act shall commence on the commencement of the Naval Agency and Distribution Act, 1864 (h). Commence-
ment of act.

—◆—

27 & 28 VICT. c. 27.

An Act for regulating the Proving and Sale of Chain Cables and Anchors. [23rd June, 1864.]

WHEREAS it is essential, for the better security of lives and property afloat in sea-going ships, to make provision for the proper testing of chain cables and anchors: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Any corporation, public body, or company may erect and maintain proving establishments, apparatus, and machinery suitable for the testing of chain cables or anchors, and may, notwithstanding the provisions of any previous act limiting the amount of money to be raised by such corporation or public body, or company, raise money for that purpose by way of loan, secured by mortgage of such establishments, apparatus, and machinery, and of the income to be derived therefrom, or of other property of such corporation, public body, or company: Provided always as follows:—

Power to corporations, &c. to provide proving establishments for testing chain cables, &c.

- (1.) Nothing in this act shall relieve any corporation or public body from the necessity of obtaining for any borrowing by them under this act the consent of any authority or person whose consent is by law requisite to any borrowing by them otherwise than under this act.
- (2.) Where the consent of any authority or person is not by law requisite to any borrowing by any corporation or public body otherwise than under this act, the consent of the Commissioners of her Majesty's treasury to any borrowing by that corporation or public body under this act is hereby made requisite.
- (3.) Nothing in this act shall empower any company to borrow money under this act otherwise than in such manner and subject to such restrictions as are prescribed in relation to any borrowing by them for purposes other than the purposes of this act, and if none are prescribed, then in such manner and under such restrictions as may

(h) The 27 & 28 Vict. c. 24, which received the Royal Assent on the 23rd of June, 1864.

be prescribed by resolution of the company adopted by three-fifths at least of the votes of the shareholders of the company present (personally or by proxy) at a general meeting of the company specially convened for the purpose.

- (4.) Any mortgage or charge created or to be created under any power existing at the passing of this act on any property of any such corporation, public body or company, other than such establishments, apparatus, and machinery as aforesaid, shall have priority over any mortgage created under the powers of this act on the same property (i).

Power to the Board of Trade to grant licences for proving chain cables and anchors, and may suspend or revoke licences.

2. The Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and foreign plantations, hereafter in this act called the Board of Trade, may from time to time grant to any corporation, public body, or company, person or persons erecting any proving establishment, apparatus, and machinery suitable for the testing of chain cables or anchors licence to test chain cables and anchors under this act, and the board may suspend or revoke any licence so granted, if the board shall see occasion; and the expression "tester" in this act applies to every corporation, public body, or company, person or persons to whom such licence shall be granted, so long as such licence continues in force; provided, that such a licence shall not be granted in any case unless and until the proving establishment, apparatus, and machinery erected have been inspected by an inspector appointed as by this act provided, and have been certified by him as proper and efficient for their purposes (i).

Board of Trade to appoint inspectors from time to time.

3. The Board of Trade shall, as soon after the passing of this act as the services of an inspector for the purposes of this act appear to them to be required, and afterwards from time to time as vacancies occur, appoint a fit person to act as inspector of proving establishments, apparatus, and machinery under this act, and may from time to time, at pleasure, remove from his office any person so appointed; and such inspector shall, in the execution of his duties, conform to any regulations from time to time made by the Board of Trade.

Licences to be renewed annually.

4. Any licence granted as aforesaid shall be renewable annually, and the same shall not in any case be renewed in any year unless and until the proving establishment, apparatus, and machinery in respect whereof such licence was granted have been inspected by the inspector within that year, and have been certified by him as proper and efficient for their purposes.

Fees payable on licences.

5. On the original grant of every such licence, and on every annual renewal of every such licence, there shall be paid such fee not exceeding fifty pounds as the Board of Trade from time to time appoint; *all such fees to be paid to the Board of Trade, and to be by them paid into the receipt of her Majesty's exchequer, and to be carried to and form part of the Consolidated Fund of the United Kingdom (k).*

As to remuneration of inspector.

6. The inspector shall receive such salary and allowances as may from time to time be directed by the Board of Trade, with the consent of the commissioners of her Majesty's treasury, *out of money to be provided by parliament for the purpose (k).*

(i) This section, so far as relates to any public corporation or body not mentioned in the first schedule to the Chain Cables and Anchors Act, 1871 (34 & 35 Vict. c. 101), is repealed by sect. 9 of that act. See the Chain

Cables and Anchors Act, 1871, ss. 3, 4, 8; and the Chain Cables and Anchors Act, 1874 (37 & 38 Vict. c. 51), s. 10.

(k) The words in italics are repealed by the Chain Cables and Anchors Act, 1874, s. 8. See sect. 2 of that act.

7. Every tester shall, with all reasonable despatch, subject every chain cable or anchor that shall be brought to the proving establishment of such tester for the purpose of being proved, and (unless the parties interested may otherwise agree) in the order in which such chain cables and anchors respectively shall be so brought, to the same tensile strain as that to which chain cables and anchors respectively of similar size, weight, or description are or shall be subjected before being received for the use of her Majesty's naval service, and shall stamp every five fathoms in length of every such chain cable, and also every such anchor, with a stamp or die to be provided for that purpose by the tester, and approved by the Board of Trade, denoting that such chain cable or anchor has been "proved," and which shall bear the mark of the tester (*l*).

Tester to test all cables and anchors in proper order, and impress the same with authorized proof mark.

8. Every tester may make such charges for the testing and stamping with proof mark any chain cable or anchor as such tester may think fit, not exceeding the scale of charges authorized by the Board of Trade; and such tester shall affix upon some conspicuous part of the proving establishment a table of the charges so authorized to be taken by such tester; and such table shall be painted upon a board or boards in distinct black letters on a white ground or in white letters upon a black ground, or may be printed in legible characters on paper affixed to such board or boards; and it shall not be lawful for such tester to make any alteration in such table or in any of the charges therein specified until such alteration shall have been approved by the Board of Trade, and the tester shall have caused notice in writing of the intended alteration to be written or printed on paper, and such paper shall have been, for a period of not less than three months, affixed to such table, so that the same shall be clearly legible by all persons who may consult such table.

As to charges for testing and affixing proof mark.

9. Any tester may detain any chain cable or anchor which shall have been so tested until such charge shall be paid; and if such charge shall not be paid within three months after the testing of such chain cable or anchor, the tester may cause such chain cable or anchor to be sold by auction, and shall out of the purchase-money deduct the expenses of such sale, and all other expenses incurred by such tester with respect to such chain cable or anchor, including all lawful charges on the same, and shall pay the surplus thereof (if any), on demand, to the owner of such chain cable or anchor, or to the captain or master of the vessel, or other person on whose application the chain cable or anchor had been tested.

Power to tester to detain chain cable, &c.

10. When any tester shall have tested and stamped any chain cable or anchor, such tester shall, if requested by the person on whose application the same was tested, within one month after such testing, make out and deliver, free of charge, to such person a certificate of such testing.

Tester, on application, to give certificate of test.

11. From and after the first day of July one thousand eight hundred and sixty-five it shall not be lawful for any maker of or dealer in chain cables or anchors to sell or contract to sell for the use of any vessel any chain cable whatever or any anchor exceeding in weight one hundred and sixty-eight pounds, unless such chain cable or anchor shall have been previously tested and duly stamped in accordance with the provisions of this act; and if any person acts in contravention of this provision he shall for every such offence, upon a summary conviction for the same before a justice of the peace, or in Scotland before any sheriff, justice, or magistrate, be liable to a penalty not exceeding fifty pounds (*m*).

After 1st July, 1865, it shall be unlawful for makers and dealers to sell unproved chain cables and anchors.

(*l*) See the Chain Cables and Anchors Act, 1871, s. 5, and the Chain Cables and Anchors Act, 1874, ss. 6, 7.

(*m*) See the Chain Cables and Anchors Act, 1871, s. 7, and the Chain Cables and Anchors Act, 1874, ss. 3—5.

Persons committing certain offences deemed guilty of a misdemeanor.

12. If any person shall stamp or assist in stamping any chain cable or anchor with the stamp of any tester, or with a stamp or mark purporting to be the stamp of any tester, without the authority of the tester whose stamp shall have been so used or counterfeited, or with any other stamp or mark, for the purpose or with the intention of passing such chain cable or anchor, or of allowing or assisting in the same being passed as a chain cable or anchor duly tested and stamped under the powers of this act, or if any person, knowing any such chain cable or anchor to have been so wrongfully marked or stamped as aforesaid, shall sell the same, or shall deliver the same to any person to be taken or used as part of the equipment of any vessel, or if any person shall write out and deliver to any person any certificate or document purporting to be a certificate under this act, that any chain cable or anchor has been tested and stamped under the provisions of this act, knowing that the chain cable or anchor referred to in such certificate or document had not been so tested or stamped, every person so offending shall be guilty of a misdemeanor, or in Scotland of an offence, and for every such misdemeanor or offence shall be liable, in the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Act not to relieve makers from responsibility.

13. No maker of, or dealer in, chain cables or anchors, shipowner, or other person, shall by reason of this act, or of anything done thereunder, be relieved from any responsibility in respect of any chain cable or anchor made, sold, or used by him to which, but for this act, he would have been subject.

Act not to affect admiralty contracts.

14. Nothing in this act shall affect any contracts which may be made by the Lords Commissioners of the Admiralty for the supply of any chain cables or anchors to any of her Majesty's dockyards or for the use of any of her Majesty's ships.

Term of act.

15. *This act shall continue in force to the first day of July one thousand eight hundred and seventy-two, and no longer (n).*

28 & 29 VICT. c. 125.

An Act for the Regulation of Dockyard Ports. [6th July, 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This act may be cited as "The Dockyard Ports Regulation Act, 1865."

Interpretation of terms.

2. In this act—

The term "dockyard port" means any port, harbour, haven, roadstead, sound, channel, creek, bay, or navigable river of the United Kingdom in, on, or near to which her Majesty now or at any time hereafter has any dock, dockyard, steam factory yard, victualling yard, arsenal, wharf, or mooring:

(n) This section is repealed by the joint operation of the Chain Cables and Anchors Act, 1871, s. 9, and the 35 & 36 Vict. c. 30. See the Chain Cables and

Anchors Act, 1871, s. 11, which provides that the Act of 1864, as amended by the Act of 1871, shall be perpetual.

The term "vessel" includes ship, boat, lighter, and craft of every kind, however propelled:

The term "master" applied to a vessel means the person having the command or charge of the vessel for the time being:

The term "justice" and the term "magistrate" respectively mean a justice of the peace and a magistrate acting for the place where the matter requiring the cognizance of a justice or magistrate arises:

The term "sheriff" means the sheriff depute of the county or ward of a county in Scotland, and the steward depute of the stewartry in Scotland in which the matter submitted to the cognizance of the sheriff arises, and includes the substitute of a sheriff or steward depute:

The term "the admiralty" means the lord high admiral of the United Kingdom or the commissioners for executing the office of lord high admiral.

3. It shall be lawful for her Majesty in council, from time to time, by order in council, to define the limits of a dockyard port for the purposes of this act (o). Power to define limits.

4. The admiralty may from time to time appoint for each dockyard port a fit person to superintend the execution of this act, and otherwise to protect the port, to be called the Queen's harbour master for the respective port (p). Appointment of Queen's harbour masters.

5. In relation to any dockyard port it shall be lawful for her Majesty in council, from time to time, by order in council, to make regulations for all or any of the following purposes; namely, Port regulations to be made by orders in council.

To prohibit the mooring or anchoring of vessels so as to obstruct navigation into, in, or out of the port:

To appropriate any space as a mooring place or anchoring ground for the exclusive use of her Majesty's vessels, but not so as to authorize any user of such space in such manner as to obstruct navigation into, in, or out of the port:

To prohibit or restrict the having of gunpowder and the having or discharging of shotted or loaded guns on board any vessel in any specified part of the port, and to regulate the loading and unloading of gunpowder in the port:

To restrict the use of fire and light, and the having of tar, oil, or other combustible substances on board any vessel, in any specified part of the port:

To prohibit the navigating of steam vessels at a greater than a specified speed in any specified part of the port:

To require the presence of at least one person at all hours of the day and night on board every vessel above a specified size moored, anchored, or placed in any specified part of the port:

To prohibit or regulate the breaming of vessels in any specified part of the port:

And for such other purposes as from time to time seem necessary with a view to the proper protection of her Majesty's vessels, dockyards, or property, or to the requirements of her Majesty's naval service (q).

6. Any such order in council may impose such reasonable penalties as seem fit, not exceeding for any offence ten pounds; but any provision imposing a penalty shall be so framed that part only of the penalty may be ordered to be paid. Penalties in such orders.

(o) See *post*, "Orders in Council."

(p) See the M. S. Act, 1867, s. 12.

(q) See *post*, "Orders in Council."

Orders in council to be made as to lights, prevention of collision, &c., with concurrence of Board of Trade.

25 & 26 Vict.
c. 63.

7. In relation to any dockyard port it shall be lawful for her Majesty in council, from time to time, by order in council, on the joint recommendation of the admiralty and the Board of Trade, to make rules concerning the lights or signals to be carried or used, and the steps for avoiding collision to be taken, by her Majesty's vessels and other vessels navigating the waters of the port and of the approaches thereto; and such rules shall, with respect to her Majesty's vessels and other vessels navigating those waters, have the same effect as if they had been regulations originally contained in Table (C.) in the schedule to the Merchant Shipping Act Amendment Act, 1862, or were regulations duly substituted for the same, and as if such original or substituted regulations applied to her Majesty's vessels as well as to other vessels (g).

As to the printing and sale of orders.

8. The admiralty shall cause printed copies of every order in council under this act relative to any dockyard port to be provided, and to be sold at a reasonable price, to be fixed by the admiralty, to all persons desirous of buying the same.

Publication of orders.

9. Every order in council under this act shall be published in the London Gazette, and shall be made to take effect not sooner than the expiration of thirty days from such publication; and a copy of the London Gazette containing any such order shall be conclusive evidence of the due making and publication of such order; and every such order shall be judicially noticed without being specially pleaded.

Effect of order.

10. Every order in council under this act shall be binding on all persons, and shall be sufficient to justify all persons acting thereunder.

Power for Queen's harbour master to unmoor vessels, &c.

11. If the master of any vessel within a dockyard port does not moor, anchor, place, unmoor, or remove the same according to directions given by the Queen's harbour master in conformity with any order in council under this act, or if there is no person on board of any such vessel to attend to such directions, the Queen's harbour master may cause the vessel to be moored, anchored, placed, unmoored, or removed in conformity with the order in council, and for that purpose may cast off, loose, or unshackle, and (if need be) sever any chain or rope of the vessel, first putting on board a sufficient number of persons for the protection of the vessel in case there is not a sufficient number of persons on board to protect the same; and all expenses attending the exercise of the powers of the present section shall be paid by the master of the vessel.

Power to search, &c.

12. The Queen's harbour master, or any person having authority in writing from the admiralty in this behalf, may, with proper assistants, enter into any vessel in a dockyard port, and there search for gunpowder, shotted or loaded guns, fire, or light, or combustible substances had or suspected to be had on board in contravention of any order in council under this act, and may extinguish any such fire or light; and if any person wilfully obstructs the Queen's harbour master or other person in the execution of the authority conferred by this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Power to remove wreck, &c.

13. The Queen's harbour master may remove any wreck or other thing being an obstruction to the dockyard port or to the approaches thereto, and any floating timber that impedes the navigation thereof (r).

Power to remove unseaworthy vessels.

14. Any vessel laid by or neglected as unfit for sea service shall not be permitted to lie within any part of a dockyard port specified in this behalf

(g) See *post*, "Orders in Council."

(r) See the Removal of Wrecks Act, 1877 (40 & 41 Vict. c. 16), s. 8.

in any order in council under this act; and the Queen's harbour master may cause every such vessel to be removed from the part of the port so specified, and to be laid on some part of the strand or sea shore, or in some other place where the same may without injury to any person be placed.

15. The expenses incurred by the Queen's harbour master in the removal of any such wreck or other thing or timber, or in the removal or placing of any such vessel, shall be repaid by the owner thereof; and the Queen's harbour master may detain, and in case of nonpayment of the expenses, on demand, may sell the wreck or other thing, timber, or vessel, and out of the proceeds of the sale pay those expenses and the expenses of the sale, rendering the surplus (if any) to the owner, on demand; and any deficiency may be recovered from the owner.

Recovery of expenses of removal of wreck, &c.

16. If the owner of any vessel or thing is in any case compelled to pay any penalty, expenses, sum of money, or costs, by reason of any act or omission of the master of a vessel or other person, he shall be entitled to recover the amount paid by him, with costs, from the person who actually committed the offence or did the wrongful act in respect whereof the owner was compelled to make such payment.

Recovery of expenses by owner from master, &c.

17. Penalties, expenses, and sums of money made recoverable by this act, or by any order in council under it, may be recovered by summary proceedings in England or in Ireland before a justice, and in Scotland before a sheriff, justice, or magistrate.

Summary proceedings for penalties, &c.

18. Penalties, expenses, and sums of money recovered as aforesaid, except when recovered by an owner from a master or other person, shall be paid into the receipt of her Majesty's exchequer in such manner as the commissioners of her Majesty's treasury from time to time direct, and shall be carried to and form part of the consolidated fund of the United Kingdom.

Application of penalties.

19. Where any justice, sheriff, or magistrate, by virtue of this act or any order in council under it, makes an order directing payment of any penalty, expenses, or sum of money by the master or owner of a vessel, and payment is not duly made, the justice, sheriff, or magistrate who made the order, or any other justice, sheriff, or magistrate having the same jurisdiction, may (in addition to any power which he may have for the purpose of compelling payment) direct the amount unpaid to be levied by distress or poinding and sale of the vessel, her tackle, furniture, and apparel, or of any part thereof.

Penalties, &c. may be raised by sale of vessel.

20. Any summons or other document in any proceeding on this act or any order in council under it may (in addition to any other mode of service) be served by being left for the person to be served on board any vessel to which he belongs with the person being or appearing to be in command or charge of the vessel.

Service of summons.

21. For the purpose of giving jurisdiction, every offence against this act or any order in council under it shall be deemed to have been committed, and every cause of complaint shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against happens to be.

Local jurisdiction.

22. Where any district within which any justice, sheriff, or magistrate has jurisdiction for any purpose under this or any other act, or at common law, abuts on the shore of the sea or other navigable water, every such justice, sheriff, or magistrate shall for the purposes of this act have jurisdiction of justice of the peace.

Jurisdiction of justice of the peace.

diction over any vessel being or passing near the shore, and over every person on board thereof or belonging thereto, as if such vessel or person was within the ordinary limits of the jurisdiction of the justice, sheriff, or magistrate.

Saving for right of property, &c.

23. Nothing in this act shall prejudice, take away, abridge, or alter any right of property, privilege, or jurisdiction, or any powers of conservancy, held, possessed, enjoyed, or exercised by any body or person in, to, upon, or over any part of a dockyard port, or of the shores and banks thereof.

Limitations of actions, &c.

24. Any action or proceeding shall not lie against any Queen's harbour master or other person acting under the authority or in the execution or intended execution or in pursuance of this act, or of any order in council under it, for any alleged irregularity or trespass or other act or thing done or omitted by him, unless notice in writing (specifying the cause of the action or proceeding) is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding, nor unless the action or proceeding is commenced within six months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within six months next after the doing of such damage has ceased. . . .

[The remainder of this section, relating to procedure, it is not considered necessary to set out.]

Commencement of Act.

25. This act shall commence on such day, not later than the first day of January one thousand eight hundred and sixty-six, as her Majesty in council thinks fit to direct; save that any order in council may be made before that day, so as it be not made to take effect before that day.

Orders in council to be laid before Houses of Parliament.

26. Every order in council under this act shall be laid before both Houses of Parliament within thirty days after the making thereof if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament.

29 & 30 VICT. c. 109.

An Act to make Provision for the Discipline of the Navy.

[10th August, 1866.]

WHEREAS it is expedient to amend the law relating to the government of the Navy, whereon, under the good providence of God, the wealth, safety, and strength of the kingdom chiefly depend: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Master of merchant vessel to obey orders of convoying officer.

31. Every master or other officer in command of any merchant or other vessel under the convoy of her Majesty shall obey the commanding officer thereof in all matters relating to the navigation or security of the convoy, and shall take such precautions for avoiding the enemy as may be directed by such commanding officer; and if he shall fail to obey such directions, such commanding officer may compel obedience by force of arms, without being liable for any loss of life or of property that may result from his using such force.

Nothing to take away

100. Nothing in this act shall take away, abridge, or control, further or otherwise than as expressly provided by this act, any right, power, or

prerogative of her Majesty the Queen in right of her crown, or in right of her office of admiralty, or any right or power of the admiralty.

prerogative of the crown or rights or powers of admiralty. Act not to supersede authority of ordinary Courts.

101. Nothing in this act contained shall be deemed or taken to supersede or affect the authority or power of any court or tribunal of ordinary civil or criminal jurisdiction, or any officer thereof, in her Majesty's dominions, in respect of any offence mentioned in this act which may be punishable or cognizable by the common or statute law, or to prevent any person being proceeded against and punished in respect of any such offence otherwise than under this act.

30 VICT. c. 15.

An Act for the Abolition of certain Exemptions from Local Dues on Shipping and on Goods carried in Ships. [12th April, 1867.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

1. This act may be cited for all purposes as "The Shipping Dues Exemption Act, 1867." Short title.

2. This act shall come into operation on the first of August one thousand eight hundred and sixty-seven, which time is herein referred to as the commencement of this act. Commence-ment of act.

3. The following words and expressions shall in this act have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say, Interpretation of terms:

The word "dues" shall include all tolls, rates, taxes, duties, and imposts levied on ships or on goods carried in ships, except any duties levied by the commissioners of customs for the use of her Majesty: "Dues:"

The expression "exemption from dues" shall, in addition to its ordinary meaning, include every privilege of paying smaller dues than the public at large pay under like circumstances. "Exemption from dues."

4. After the commencement of this act no exemption from dues shall be allowed in the United Kingdom on account of any one or more of the following reasons; that is to say, No exemption from dues allowed in United Kingdom on account of reasons herein named.

- (1.) On account of any ship being registered at or belonging to any particular country, port, or place, or trading between any particular ports or places:
- (2.) On account of any ship or goods being the property of, or being consigned by or to any particular person or body corporate:
- (3.) On account of any goods being destined for sale in any particular town, place, or market:
- (4.) On account of any ship or goods being sent to or from, or anchoring or mooring at, or being laden or unladen at any particular place in any port, or in the neighbourhood of any port, except where a ship in going to or from, or anchoring or mooring at, or being laden or unladen at such place derives from the expenditure of the class of dues in question no benefit, or less benefit than ships going to or from, or anchoring or mooring at, or being laden or unladen at another place in the same port:
- (5.) On account of any goods being the product of or being destined for use at any particular manufactory, place, or district, or any parti-

cular class of manufactories: Provided that nothing in this act contained shall affect any exemption from dues which has been granted by an act of Parliament to the owner or occupier of some particular quay, manufactory, or place as compensation for obstruction to his water frontage or access to his premises, or other injury caused to him by the works authorized by such act.

[Sections 5 and 6 relate to the payment of compensation to the persons or bodies corporate therein referred to.]

[Section 6 is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66).]

[Sections 7, 8, 9, relate to the payment and commutation of compensation under the provisions of the act.]

If beneficial to the trade of the port, the dues may be abolished instead of the exemption.

10. Where a receiver of dues in any port or place proves to the satisfaction of the Board of Trade that it would be beneficial to the trade of such port or place that the class of dues from which the exemption exists should be abolished, the Board of Trade may make an order directing the abolition of that class of dues after the date mentioned in the order, and after such date, or, if no date is mentioned, after the date of that order, no dues specified in such order shall be levied, and no compensation shall be payable in respect of any exemption therefrom; provided that where such dues are received in trust for a body corporate such dues shall not be abolished without the consent of such body corporate under their common seal.

Saving of rights of her Majesty and lighthouse authorities.

11. Nothing in this act contained shall render liable any ships or goods which belong to or are in the service of her Majesty, or any corporation having the superintendence or management of lighthouses, to any dues to which they would not be liable if this act had not passed.

30 VICT. c. 23 (r).

An Act to grant and alter certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto.

[31st May, 1867.]

Most gracious Sovereign,
WE, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant of duties specified in schedules annexed.

1. There shall be charged, collected, and paid, for the use of her Majesty, her heirs and successors, the several duties of customs^(s) and inland revenue respectively specified in the schedules marked respectively

(r) See the Sea Insurances (Stamping of Policies) Amendment Act, 1876 (39 Vict. c. 6).

(s) So much of this act as relates to

customs is repealed by the Customs Laws Consolidation Act, 1876 (39 & 40 Vict. c. 36), s. 288.

(A.), (B.), and (C.) to this act; and the said duties shall respectively take effect at the dates, and shall continue to be charged, collected, and paid during the periods respectively specified in that behalf in the said schedules respectively, and where no date is specified for the commencement of any duty the same shall commence and take effect from the passing of this act (t), and where no period is specified for the duration of any duty the same shall continue to be charged, collected, and paid until Parliament shall otherwise order; and the said schedules shall be deemed to be part of this act.

2. All the powers, provisions, allowances, exemptions, forfeitures, and penalties contained in or imposed by any act or acts, or any schedule thereto, relating to *customs duties and stamp duties*, and in force at the time of the passing of this act, and relating to the duty of income tax, and in force on the fifth day of April one thousand eight hundred and sixty-seven, shall respectively be in full force as to the said duties granted by this act, so far as the same are applicable, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said duties, and otherwise in relation thereto, so far as the same shall not be repealed or superseded by and shall be consistent with the provisions of this act, as fully and effectually, to all intents and purposes, as if the same had been herein expressly enacted with reference to the said duties respectively (u).

Provisions of former acts to apply to duties under this act.

As to Stamp Duty on Sea Insurances.

3. On the passing of this act the stamp duties now payable for policies of sea insurance shall cease and determine, and the several acts and parts of acts specified in the schedule marked (D.) to this act annexed are hereby repealed, save so far as respects any policy made prior to the passing of this act, and as respects any forfeiture or penalty incurred in respect of any offence against any enactment so repealed (x).

Repeal of acts in schedule (D.).

4. In this act the expression "Sea Insurance" means any insurance (including re-insurance) made upon any ship or vessel, or upon the machinery, tackle, or furniture of any ship or vessel, or upon any goods, merchandise, or property, of any description whatever, on board of any ship or vessel, or upon the freight of or any other interest which may be lawfully insured in or relating to any ship or vessel; and the word "policy" means any instrument whereby a contract or agreement for any sea insurance is made or entered into.

Interpretation of terms.

5. The commissioners of inland revenue shall provide blank policies, printed on paper, in the form set forth in schedule (E.) to this act, and stamped to denote the duty payable under this act; and any person may buy such blank policies, stamped with the duty which he may require, at the price of such duty: Provided always, that before any such stamped blank policies shall be issued, and before any vellum, parchment, or paper which may be brought to be stamped shall be delivered out stamped by any officer of inland revenue, he shall mark or write thereon the day, month, and year of such issue or delivery, and if he wilfully neglect so to do he shall forfeit the sum of one hundred pounds.

Commissioners to provide stamped forms of policies.

6. The said commissioners shall keep an office within the city of London for the distribution of blank policies stamped as aforesaid, to persons

Office in London for dis-

(t) This section is repealed so far as it relates to Schedule A. and Schedule C., and from the words "and the said duties" to the words "passing of this act," by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66).

(u) The words in italics in this section are repealed by the Statute Law Revision Act, 1875.

(x) This section is repealed by the Statute Law Revision Act, 1875.

tributing stamped forms of policies. carrying on the business of insurance within the said city, and purchasing the same, subject to the usual allowance made on purchase of stamps.

Contract for insurance to be in writing, and to specify certain particulars. 7. No contract (y) or agreement for sea insurance (other than such insurance as is referred to in the fifty-fifth section of the Merchant Shipping Act Amendment Act, 1862,) shall be valid unless the same is expressed in a policy; and every policy shall specify the particular risk or adventure, the names of the subscribers or underwriters (z), and the sum or sums insured; and in case any of the above-mentioned particulars shall be omitted in any policy, such policy shall be null and void to all intents and purposes.

No policy to be made for more than twelve months. 8. No policy shall be made for any time exceeding twelve months, and every policy which shall be made for any time exceeding twelve months shall be null and void to all intents and purposes.

No policy valid unless duly stamped. 9. No policy shall be pleaded or given in evidence in any Court, or admitted in any Court to be good or available in law or in equity, unless duly stamped (a); and it shall not be lawful for the said commissioners or any officer of inland revenue to stamp any policy at any time after it is signed or underwritten by any person, on any pretence whatever, except in the two cases following; (that is to say,)

Exception in case of certain mutual insurances. 1st. Any policy of mutual insurance having a stamp or stamps impressed thereon may, if required, be stamped with an additional stamp or stamps, provided that at the time such additional stamp or stamps shall be required the policy shall not have been signed or underwritten to an amount exceeding the sum or sums which the stamp or stamps previously impressed thereon will warrant.

[The remainder of this section is repealed by the Statute Law Revision Act, 1875.]

Legal alterations in policies may be made under certain restrictions. 10. Nothing in this act shall extend or be construed to extend to prohibit the making of any alteration which may lawfully be made in the terms and conditions of any policy after the same shall have been underwritten; provided that such alteration be made before notice of the determination of the risk originally insured, and that it shall not prolong the time covered by the insurance thereby made beyond the period of six months in the case of a policy made for a less period than six months, or beyond the period allowed by this act in the case of a policy made for a greater period than six months, and that the articles insured shall remain the property of the same person or persons, and that no additional or further sum shall be insured by reason or means of such alteration.

Policies for voyage and time chargeable with two duties. 11. Where any sea insurance is made for a voyage and also for time, or to extend to or cover any time beyond twenty-four hours after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be chargeable with duty as a policy for a voyage, and also with duty as a policy for time.

As to insurances by carriers. 12. Where any carrier by sea or other person shall, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agree to take upon himself any risk attending goods, merchandize, or property of any description whatever while on board any ship or vessel, or engage to indemnify the owner of any such goods, merchandize, or pro-

(y) See *Ionides v. The Pacific Insurance Co.*, L. R., 7 Q. B. 517; *Fisher v. The Liverpool Marine Insurance Co.*, L. R., 9 Q. B. 418; and *Cory v. Patton*, L. R., 9 Q. B. 577.

(z) See *In re Arthur Average Asso-*

ciation for British, Foreign and Colonial Ships, L. R., 10 Ch. 542.

(a) See the Sea Insurances (Stamping of Policies) Act Amendment Act, 1876 (39 Vict. c. 6), s. 2.

perty from any risk, loss, or damage, such agreement or engagement shall be deemed to be a contract for a sea insurance.

13. If any person shall become an assurer upon any sea insurance, or shall subscribe or underwrite, or otherwise sign or make, or enter into any contract, agreement, or memorandum, for or of any sea insurance, or shall receive or contract for any premium or consideration for any sea insurance, or shall receive or charge, or take credit in account for any such premium or consideration as aforesaid, or any sum of money as or for any such premium or consideration as aforesaid, or shall wilfully or knowingly take upon himself any risk, or render himself liable to pay, or shall pay or allow or agree to pay or allow, in account or otherwise, any sum of money upon any loss, peril, or contingency relative to any sea insurance, unless such insurance shall be written on vellum, parchment, or paper duly stamped, or if any person shall be concerned in any fraudulent contrivance or device, or shall be guilty of any wilful act, neglect, or omission, with intent to evade the duties payable on policies under this act, or whereby the duties may be evaded, every person so offending shall for every such offence forfeit the sum of one hundred pounds.

Penalty on assuring unless policy duly stamped.

14. Every person who shall make or effect, or knowingly procure to be made or effected, any sea insurance, or shall give or pay, or render himself liable to pay, any sum of money, premium, or consideration whatever in the nature of a premium for or upon any sea insurance, or shall enter into any contract or agreement whatever for any sea insurance, unless the same insurance, contract, and agreement for insurance respectively shall be written on vellum, parchment, or paper, being first duly stamped, shall for every such offence forfeit and pay the sum of one hundred pounds; and every broker, agent, or other person negotiating or transacting any sea insurance contrary to the true intent and meaning of this act, or writing any agreement for any sea insurance upon vellum, parchment, or paper not duly stamped, shall for every such offence forfeit the sum of one hundred pounds.

Penalty on persons effecting insurance unless duly stamped.

15. If any person shall make or issue, or cause to be made or issued, any document purporting to be a copy of a policy, and there shall not be in existence, at the time of such making or issue, a policy duly stamped whereof the said document shall be a copy, he shall for such offence forfeit the sum of one hundred pounds in addition to any other penalty which he may have incurred under this act.

Penalty for issuing a copy of policy where no policy.

16. It shall not be lawful for any broker, agent, or other person negotiating or transacting or making any sea insurance to charge his employer any sum of money for brokerage or agency, or for his pains or labour in negotiating, transacting, or making such insurance, or writing the same, or for any monies expended or paid by way of premium or consideration in the nature of a premium for such insurance, unless the same shall be written on vellum, parchment, or paper, duly stamped; and all and every sum and sums whatever paid by such employer on any such account to any broker, agent, or other person negotiating or transacting or making any insurance contrary to this act shall be deemed to be paid without consideration, and shall remain the property of such employer, his executors, administrators, or assigns.

Brokerage not to be a legal charge unless policy duly stamped.

17. Where a policy shall be inadvertently filled up in an incorrect or improper manner, or be obliterated or otherwise spoiled and rendered unfit for use, or shall be filled up for some insurance which shall not be proceeded in, and the same shall not be signed by any underwriter, but in no other case, it shall be lawful for the said commissioners to allow as spoiled, and to cancel, the stamps on such policy, provided that application

Allowance may be made in the case specified.

shall be made for the allowance within six months after such policy shall be spoiled or become useless; and the enactments now in force with reference to the allowance of spoiled stamps shall, so far as the same are applicable, extend to the allowance hereinbefore mentioned.

Officers of inland revenue may be authorized to examine claims for allowances.

18. The said commissioners may authorize any officer or officers of inland revenue to receive and examine the claims made for such allowance as aforesaid, and to take affidavits and affirmations relating thereto, and to administer the proper oaths and affirmations for that purpose, and to do all or any act or acts respecting such claims which the commissioners themselves are authorized to do.

[Section 19 is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66).]

SCHEDULES.

[SCHEDULE A. is repealed by the Statute Law Revision Act, 1875.]

SCHEDULE (B.)

CONTAINING the STAMP DUTIES granted by this Act.

For every policy of sea insurance for or upon any voyage—	s.	d.
In respect of every full sum of one hundred pounds and in respect of any fractional part of one hundred pounds thereby insured	0	3
For every policy of sea insurance for time—		
In respect of every full sum of one hundred pounds and in respect of any fractional part of one hundred pounds thereby insured—		
Where the insurance shall be made for any time not exceeding six months	0	3
Where the insurance shall be made for any time exceeding six months and not exceeding twelve months	0	6
But if the separate and distinct interests of two or more persons shall be insured by one policy for a voyage or for time, then the duty of threepence or the duty of threepence or sixpence, as the case may require, shall be charged thereon in respect of every full sum of one hundred pounds and every fractional part of one hundred pounds thereby insured upon any separate or distinct interest (b).		

[SCHEDULE C. is repealed by the Statute Law Revision Act, 1875.]

SCHEDULE (D.) (c).

CONTAINING the ENACTMENTS repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
11 Geo. 1, c. 30 ..	An Act for more effectual preventing Frauds and Abuses in the Publick Revenues, &c. &c.	Section 44.
19 Geo. 2, c. 37 ..	An Act to regulate Insurance on Ships belonging to the Subjects of Great Britain, and on Merchandize or Effects laden thereon.	Section 4.

(b) See the Sea Insurances (Stamping of Policies) Amendment Act, 1876 (39 Vict. c. 6), s. 1.

(c) This schedule is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66).

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
35 Geo. 3, c. 63 ..	An Act for granting to his Majesty certain Stamp Duties on Sea Insurances.	The whole act.
39 & 40 Geo. 3, c. 72 ..	An Act to amend several Laws relating to the Duties on stamped Vellum, Parchment, and Paper.	Sections 8, 9, 10, 11, and 12.
54 Geo. 3, c. 133 ..	An Act for enabling the Commissioners of Stamps to make Allowances for spoiled Stamps on Policies of Insurance in Great Britain, and for preventing Frauds relating thereto.	The whole act.
54 Geo. 3, c. 144 ..	An Act for better securing the Stamp Duties on Sea Insurances made in London, &c. &c.	The whole act, except sections 13 and 14.
9 Geo. 4, c. 49 ..	An Act to amend the Laws in force relating to the Stamp Duties on Sea Insurances, &c. &c.	Section 1.
5 & 6 Vict. c. 82 ..	An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same until the 10th day of October, 1845.	Sections 22, 23, 24, 25, 26, 27, 28, 29, and 30.
7 Vict. c. 21 ..	An Act to reduce the Stamp Duties on Policies of Sea Insurance, &c. &c.	Section 4 and the Schedule.
27 & 28 Vict. c. 56 ..	An Act for granting to her Majesty certain Stamp Duties, and to amend the Laws relating to the Inland Revenue.	Section 1.
28 & 29 Vict. c. 96 ..	An Act to amend the Laws relating to the Inland Revenue.	Sections 8 and 9.

SCHEDULE (E).

Form of Policy.

S.G. Be it known that as well in own name, as
 _____ for and in the name and names of all and every other person
 £ or persons to whom the same doth, may, or shall appertain,
 _____ in part or in all, doth make assurance and cause and
 _____ them and every of them, to be insured, lost or not lost, at
 _____ and from upon any kind of goods and merchandises, and also
 Delivered the day of 186 } upon the body, tackle, apparel, ordnance, munition, artillery, boat and
 No. } other furniture, of and in the good ship or vessel called the whereof
 is master, under God for this present voyage, or whosoever
 else shall go for master in the said ship, or by whatsoever other name or
 names the same ship, or the master thereof, is or shall be named or called,
 beginning the adventure upon the said goods and merchandises from the
 loading thereof aboard the said ship upon the said ship, &c.,
 and shall so continue and endure, during her abode there, upon the said
 ship, &c.; and further, until the said ship, with all her ordnance, tackle,
 apparel, &c., and goods and merchandises whatsoever, shall be arrived at
 upon the said ship, &c., until she hath moored at anchor twenty-
 four hours in good safety, and upon the goods and merchandises until the
 same be there discharged and safely landed; and it shall be lawful for
 the said ship, &c., in this voyage to proceed and sail to and touch and stay
 at any ports or places whatsoever without prejudice to this insur-

ance. The said ship, &c., goods and merchandises, &c., for so much as concerns the assured, by agreement between the assured and assurers in this policy, are and shall be valued at

Touching the adventures and perils which we the assurers are contented to bear and do take upon us in this voyage, they are, of the seas, men-of-war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and counter-mart, surprisals, takings at sea, arrests, restraints and detainerments of all kings, princes, and people, of what nation, condition, or quality soever, barretty of the master and mariners, and of all other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the said goods and merchandises and ship, &c., or any part thereof; and in case of any loss or misfortune it shall be lawful to the assured, their factors, servants, and assigns, to sue, labour, and travel for, in, and about the defence, safeguard, and recovery of the said goods and merchandises and ship, &c., or any part thereof, without prejudice to this insurance; to the charges whereof we, the assurers, will contribute each one according to the rate and quantity of his sum herein assured. And it is agreed by us, the insurers, that the writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we the assurers are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors, and goods, to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured at and after the rate of

In witness whereof, we the assurers have subscribed our names and sums assured in

N.B.—Corn, fish, salt, fruit, flour, and seed are warranted free from average, unless general, or the ship be stranded; sugar, tobacco, hemp, flax, hides, and skins are warranted free from average under five pounds per cent.; and all other goods, also the ship and freight, are warranted free from average under three pounds per cent., unless general, or the ship be stranded.

30 & 31 VICT. c. 45.

An Act to extend and amend the Vice Admiralty Courts Act, 1863.

[15th July, 1867.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This act may be cited for all purposes as "The Vice Admiralty Courts Act Amendment Act, 1867."

26 & 27 Vict.
c. 24 applied.

2. This act shall be read as one act with the Vice Admiralty Courts Act, 1863.

Interpretation
of terms.

3. In the interpretation and for the purposes of this act (if not inconsistent with the context or subject-matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say,

"Judge" shall mean the person lawfully appointed by the Admiralty to be judge of any Vice Admiralty Court, or, in default of such appointment the chief justice or principal judicial officer, or the person for the time being lawfully authorized to act as the chief justice or principal judicial officer in the British possession in which such Court is established:

"Judicial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such judge in the trial, hearing, or progress of any cause:

"Ministerial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such judge, not included under the term "Judicial powers:"

"Sit" or "sitting" shall mean sit or sitting for the exercise of judicial powers, whether in court or in chambers.

4. On the governor of any British possession, who is also vice admiral thereof, vacating the office of governor of such possession, the office of vice admiral of the same possession shall thereupon be deemed to be also vacant within the meaning of the third section of the Vice Admiralty Courts Act, 1863. Tenure of office of vice admiral.

5. The judge of any Vice Admiralty Court may from time to time, with the approval in writing of the governor of the British possession in which the court is established, appoint one or more deputy judge or judges to assist or represent him in the execution of his judicial powers. Judge may appoint deputy judges.

6. It shall be lawful for any such deputy judge to exercise all the judicial powers of the judge; and all acts done by such deputy judge shall be as valid and effectual, to all intents and purposes, as if they had been done by the judge; and all orders or decrees made by such deputy judge shall be subject to the same right of appeal in all respects as if they had been made by the judge. Judicial powers of deputy judges.

7. Any deputy judge may sit at the principal seat of government or elsewhere in the possession at the same time that the judge or any other deputy judge is sitting, and either at the same or at any other place in such possession, and whether the judge is or is not at that time within the possession. Deputy judges may sit separately.

8. The judge may, if he thinks fit, require any such deputy judge or judges to sit with him in the same Court, and in such case the decision of the majority, or, if they are equally divided in opinion, the decision of the judge, shall be the decision of the Court; and such decision shall be subject to the same right of appeal in all respects as if it had been made by the judge alone. Judge may sit with deputy judges.

9. The judge may direct at what place and time any such deputy judge shall sit, and what causes shall be heard before him, and generally make such arrangements as to him shall seem proper as to the division and despatch of the business of the Court. Judge to regulate the proceedings.

10. The judge may, if he thinks fit, with the approval in writing of the governor, at any time revoke the appointment of any such deputy judge or judges, but the appointment shall not be determined by the occurrence of a vacancy in the office of the judge. Tenure of office of deputy judges.

11. The judge may, if he thinks fit, from time to time delegate all or any of his ministerial powers to any such deputy judge or judges. Judge may delegate ministerial powers.

12. The judge may from time to time, if he thinks fit, appoint any competent persons to act respectively as deputy registrars and deputy marshals of the Court, and may, if he thinks fit, at any time revoke any such appointment, but the appointment shall not be determined by the occurrence of a vacancy in the office of the judge. Judge may appoint deputy registrars and marshals.

13. Notwithstanding anything contained in this act, it shall be lawful for the Admiralty, if they think fit, at any time to revoke the appointment of any deputy judge, deputy registrar, or deputy marshal appointed under this act. Admiralty may revoke appointments.

14. Any deputy judge, deputy registrar, or deputy marshal, appointed under this act, shall be entitled to the same fees in respect of any duty performed by him as would be lawfully payable to the judge, registrar, or marshal respectively for the performance of the same duty. Deputies to receive fees.

Barristers and solicitors entitled to practise in Vice Admiralty Courts.

15. All persons entitled to practise as advocates, barristers-at-law, proctors, attorneys-at-law, or solicitors in the superior courts of a British possession, shall be entitled to practise in the same respective capacities in the Vice Admiralty Court or Courts of such possession, and shall have therein all the rights and privileges respectively belonging to advocates, barristers-at-law, proctors, attorneys-at-law, and solicitors, and shall in like manner be subject to the authority of the person for the time being lawfully exercising the office of judge of such Court.

Her Majesty may establish a Vice Admiralty Court in a possession having legislative powers.

16. It shall be lawful for her Majesty to empower the admiralty, by commission under the great seal, to establish one or more Vice Admiralty Courts in any British possession, notwithstanding that such possession may have previously acquired independent legislative powers; and the jurisdiction and authority of all the existing Vice Admiralty Courts are hereby declared to be confirmed, to all intents and purposes, notwithstanding that the possession in which any such Court has been established may at the time of its establishment have been in possession of legislative powers.

Extended to the Straits Settlements.

17. The Vice Admiralty Courts Act, 1863, shall, together with this act, apply to any Vice Admiralty Court now established or hereafter to be established in the Straits Settlements (d).

26 & 27 Vict. c. 24, s. 23, extended to appeals from Vice Admiralty Courts in Indian possessions.

18. The limitation of the time allowed for appeals contained in the twenty-third section of the Vice Admiralty Courts Act, 1863, shall be held to apply to all decrees or orders pronounced in any Vice Admiralty Court now established or hereafter to be established in any of her Majesty's possessions in India.

The practice and procedure of the Court of Admiralty in Ireland is regulated by the 30 & 31 Vict. c. 114, "An Act to extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the establishment of the Court of Admiralty in Ireland" (e).

30 & 31 VICT. c. 124.

An Act to amend the Merchant Shipping Act, 1854.

[20th August, 1867.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This act may be cited as "The Merchant Shipping Act, 1867," and shall be construed with and as part of the Merchant Shipping Act, 1854, hereinafter termed the principal act.

Commencement of act.

2. This act shall come into operation on the first day of January one thousand eight hundred and sixty-eight, but shall not apply to any ship which belongs to the United Kingdom and is absent therefrom at the time when this act comes into operation until such ship has returned to the United Kingdom (f).

Sects. 224, 227, and 231 of 17 & 18 Vict. c. 104, repealed.

3. The two hundred and twenty-fourth, two hundred and twenty-seventh, and two hundred and thirty-first sections of the principal act are hereby repealed (f).

(d) See the Court of Judicature (Prince of Wales Island) Act, 1855 (18 & 19 Vict. c. 93), s. 4, and the Straits Settlement Act, 1866 (29 & 30 Vict. c. 115), s. 4.

(e) See also the 39 & 40 Vict. c. 28, and the 40 & 41 Vict. c. 57, s. 9.

(f) This section is repealed by the Statute Law Revision Act, 1875 (38 & 39 Vict. c. 66).

4. The following rules shall be observed with respect to medicines, medical stores, and anti-scorbutics; (that is to say,)

- (1.) The Board of Trade shall from time to time issue and cause to be published scales of medicines and medical stores suitable for different ships and voyages, and shall also prepare or sanction a book or books containing instructions for dispensing the same (g):
- (2.) The owners of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board such ship a supply of medicines and medical stores in accordance with the scale appropriate to the said ship (h), and also a copy of the said book or of one of the said books containing instructions:
- (3.) No lime or lemon juice (i) shall be deemed fit and proper to be taken on board any such ship, for the use of the crew or passengers thereof, unless the same has been obtained from a bonded warehouse for and to be shipped as stores; and no lime or lemon juice shall be so obtained or delivered from any warehouse as aforesaid unless the same is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be proper for use on board ship, such certificate to be given upon inspection of a sample after deposit of the said lime or lemon juice in the warehouse; nor unless the same contains fifteen per centum of proper and palatable proof spirits, to be approved by such inspector, or by the proper officer of customs, and to be added before or immediately after the inspection thereof; nor unless the same is packed in such bottles, at such time and in such manner, and is labelled in such manner as the Commissioners of Customs may direct; provided that when any such lime or lemon juice is deposited in any bonded warehouse, and has been approved as aforesaid by the said inspector, the said spirits, or so much of the said spirits as is necessary to make up fifteen per centum, may be added in such warehouse without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the same has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse:
- (4.) The master or owner of every such foreign-going ship (except those bound to European ports or to ports in the Mediterranean Sea, and also except such ships or classes of ships bound to ports on the eastern coast of America north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit, as the Board of Trade may from time to time exempt from this enactment,) shall provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice from the warehouse duly labelled as aforesaid, such labels to remain intact until twenty-four hours at least after such ship shall have left her port of departure on her foreign voyage, or a sufficient quantity of such other anti-scorbutics, if any, of such quality, and composed of such materials, and packed and kept in such manner, as her Majesty by order in council may from time to time direct:
- (5.) The master of every such ship as last aforesaid shall serve or cause to be served out the lime or lemon juice with sugar (such sugar to

Lime or lemon juice and other anti-scorbutics to be provided and kept on board certain ships.

(g) A revised scale of medicines and medical stores superseding the scale hitherto in force was issued by the Board of Trade, under the provisions of this section, in December, 1874. Such scale is set out *post*, "Forms," No. 39. The book sanctioned by the

Board of Trade under the same section is *The Ship Captain's Medical Guide*, published by A. T. Walker.

(h) See the Passengers Act, 1855, s. 43, and *post*, "Forms," Nos. 36, 37.

(i) See the Passengers Act, 1855, s. 36, and the Passengers Act, 1863, s. 9.

be in addition to any sugar required by the articles) or other such anti-scorbutics as aforesaid to the crew so soon as they have been at sea for ten days, and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions; the lime or lemon juice and sugar to be served out daily at the rate of an ounce each per day to each member of the crew, and to be mixed with a due proportion of water before being served out, or the other anti-scorbutics, if any, at such times and in such quantities as her Majesty by order in council may from time to time direct:

- (6.) If at any time when such lime or lemon juice or anti-scorbutics is or are so served out as aforesaid any seaman or apprentice refuses or neglects to take the same, such neglect or refusal shall be entered in the official log book in the manner provided by the two hundred and eighty-first section of the principal act, and shall be signed by the master and by the mate or some other of the crew, and also by the surgeon or medical practitioner on board, if any:

And if in any such ship as aforesaid such medicines, medical stores, book of instructions, lime or lemon juice, sugar, or anti-scorbutics as are hereinbefore required are not provided, packed, and kept on board as hereinbefore required, the owner or master shall be deemed to be in fault, and shall for each default incur a penalty not exceeding twenty pounds, unless he can prove that the non-compliance with the above provisions, or any of them, was not caused through any inattention, neglect, or wilful default on his part; and if the lime or lemon juice and sugar or other anti-scorbutics are not served out in the case and manner hereinbefore directed, or if entry is not made in the official log in the case and manner hereinbefore required, the master shall be deemed to be in fault, and shall for each default incur a penalty not exceeding five pounds, unless he can prove that the non-compliance with the above provisions, or any of them, did not arise through any neglect, omission, or wilful default on his part; and if in any case it is proved that some person other than the master or owner is in default in any case under this section, then such other person shall be liable to a penalty not exceeding twenty pounds (1).

(2) The Regulations issued by the Commissioners of Customs direct that "lime or lemon juice, after being inspected and fortified, is to be bottled in glass bottles of imperial (and not reputed) measurement, containing not less than one imperial quart, and not more than two imperial quarts, or in bottles of glazed earthenware of imperial (and not reputed) measurement, containing not less than one imperial gallon, and not more than two imperial gallons, and the said glass bottles are to be packed in straw or other suitable packing in wooden boxes, and the said glazed earthenware bottles are to be properly and satisfactorily protected by wicker-work, and the said bottles, whether of glass or of glazed earthenware, are to be secured by fixing the label approved for that purpose round the neck and cork. The bottling of each cask of juice is to be completed in one continuous operation.

"The juice, when inspected, bottled, fortified and labelled, in accordance with the Regulations, will be allowed to be shipped, subject to the following

regulations in regard to the maximum size of bottle; viz.—

Two - gallon glazed earthenware bottles	} allowed only for vessels carrying a crew of	{	60 persons or upwards.
One - gallon glazed earthenware bottles			40 persons or upwards.
Half - gallon glass bottles			21 persons or upwards.
Quart glass bottles			20 persons or under.

"But quart bottles may be shipped in all cases if preferred."

The juice is best kept in a cool place.

The bottles containing it should not be unnecessarily exposed to the heat and light of the sun.

The medical officers appointed by the Board of Trade to inspect and test lime and lemon juice recommend that when the juice is served out it should be mixed in the proportion of one fluid ounce of lime juice, and one ounce of sugar, to not less than half a pint and not more than one pint of water, and the mixture should be served out in sufficient quantity to each mess or watch at the dinner-hour, so that it may be obtained by the crew in time to drink during their meal. The medical

5. Any person who manufactures, sells, or keeps or offers for sale any such medicines or medical stores as aforesaid which are of bad quality shall for each such offence incur a penalty not exceeding twenty pounds.

Penalty for selling, &c. medicines, &c. of bad quality.

6. In any British possession out of the United Kingdom the governor or officer administering the government for the time being shall, subject to the laws of such possession, have power to make regulations concerning the supply within such possession of lime or lemon juice and anti-scorbutics for the use of ships; and any lime or lemon juice or anti-scorbutics duly supplied in accordance with any such regulations shall be deemed to be fit and proper for the use of ships.

Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c.

7. Whenever it is shown that any seaman or apprentice who is ill has, through the neglect of the master or owner, not been provided with proper food and water according to his agreement, or with such accommodation, medicines, medical stores, or anti-scorbutics as are required by the principal act or by this act, then, unless it can be shown that the illness has been produced by other causes, the owner or master shall be liable to pay all expenses properly and necessarily incurred by reason of such illness (not exceeding in the whole three months' wages), either by such seaman himself, or by her Majesty's government, or any officer of her Majesty's government, or by any parochial or other local authority on his behalf, and such expenses may be recovered in the same way as if they were wages duly earned: Provided that this enactment shall not operate so as to affect any further liability of any such owner or master for such neglect, or any remedy which any seaman already possesses.

Seaman's expenses in case of illness through neglect of owner or master to be paid by them.

8. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

Forfeiture of wages, &c. of seaman when illness caused by his own default.

9. The following rules shall be observed with respect to accommodation on board British ships; (that is to say,)

- (1.) Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place:
- (2.) Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvia which may be caused by cargo or bilge water:
- (3.) No such place as aforesaid shall be deemed to be such as to authorize a deduction from registered tonnage, under the provisions hereinafter contained, unless there is or are in the ship one or more properly constructed privy or privies for the use of the crew; such privy or privies to be of such number and of such construction as may be approved by the surveyor hereinafter mentioned:
- (4.) Every such place shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors^(m) appointed by the Board of Trade under Part IV. of the principal act, who shall, if satisfied that the same is in all respects such as is required by this act, give to the collector of customs a certificate to that effect, and thereupon such space shall be deducted from the register tonnage:

Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.

officers also recommend that lime and lemon juice should be regarded, not as a medicine, but as a necessary article of ordinary diet.—*Extract from Board of Trade Instructions.*

(m) See the M. S. Act, 1872, ss. 13—15, the M. S. Act, 1873, s. 30, and *post*, "General Table of Fees charged under the authority of the Board of Trade."

- (5.) No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "certified to accommodate seamen:"
- (6.) Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage:
- (7.) Upon any complaint concerning any such place as aforesaid, one of the surveyors appointed by the Board of Trade may inspect such place, and if he finds that any of the provisions of this act with respect to the same are not complied with he shall report the same to the collector of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Board of Trade, that the provisions of the act in respect of such place are fully complied with:
- (8.) If any such place in any ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this section forfeit and pay to each seaman lodged in such place the sum of one shilling a day for each day after complaint made to him by any two or more of such seamen during which any goods or stores, not being the personal property of the crew, are stored or kept therein:
- (9.) If in any other respect the provisions of this section are not observed with respect to any such place in any ship the owner shall be deemed to be in fault, and shall for every failure to comply with the provisions of this section incur a penalty not exceeding twenty pounds (n).
10. The following rules shall be observed with respect to the medical inspection of seamen; that is to say,
 - (1.) At any port where there is a Local Marine Board the Local Marine Board, and at other ports in the United Kingdom the Board of Trade, may appoint a medical inspector of seamen:
 - (2.) Such medical inspector of seamen shall, on application (o) by the owner or master of any ship, examine any seaman applying for employment in such ship, and shall give to the superintendent of the mercantile marine office a report under his hand (p) stating whether such seaman is in a fit state for duty at sea, and a copy of such report shall be given to the master or owner of the ship:
 - (3.) The master or owner applying for such inspection shall pay to the superintendent such fees as the Board of Trade direct, and such fees shall be paid into and form part of the mercantile marine fund (q):
 - (4.) The said medical inspectors shall be remunerated for their services as the Board of Trade may direct, and such remuneration shall be paid out of the mercantile marine fund:
 - (5.) In British possessions out of the United Kingdom the governor or other officer administering the government for the time being shall have the power of appointing medical inspectors of seamen, of charging fees for inspections, when applied for, and of determining the remuneration to be paid to such inspectors.
11. If any British subject commits any crime or offence on board any British ship, or on board any foreign ship to which he does not belong, any court of justice in her Majesty's dominions, which would have had cognizance of such crime or offence if committed on board a British ship

Rules for medical inspection of seamen.

Offences by British subjects on board ships.

(n) See the Colonial Shipping Act, 1868 (31 & 32 Vict. c. 129), s. 3.

(o) See *post*, "Forms," No. 40.

(p) See *post*, "Forms," No. 41.

(q) See *post*, "General Table of Fees charged under the authority of the Board of Trade."

within the limits of the ordinary jurisdiction of such court, shall have jurisdiction to hear and determine the case as if the said crime or offence had been committed as last aforesaid (r).

13. The harbour master for the time being of the harbour of Holyhead, in the event of it seeming meet to her Majesty to assign to him her Majesty's commission to act as a justice of the peace within the limits within which he is empowered to act in harbour matters, shall, during the continuance of such assignment and of his tenure of the office of harbour master, execute within such limits the duties of a justice of the peace, notwithstanding he may not be qualified by estate to be a justice of the peace for a county, and shall have within such limits the same power and jurisdiction as a stipendiary magistrate has by Act of Parliament when sitting at a police court or other place appointed in that behalf.

Harbour master at Holyhead may be commissioned as justice.

31 & 32 VICT. c. 45 (s).

An Act to carry into effect a Convention between her Majesty and the Emperor of the French concerning the Fisheries in the Seas adjoining the British Islands and France, and to amend the Laws relating to British Sea Fisheries (t). [13th July, 1868.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Preliminary.

1. This act shall be divided into parts as follows:

Part I. Preliminary.
Part II. Sea Fishery Convention.
Part III. Oyster Fisheries.
Part IV. Legal Proceedings.
Part V. Miscellaneous.

Division of act.

2. This act may be cited as "The Sea Fisheries Act, 1868."

Short title.

3. This act shall (except as is in this act expressly otherwise provided) come into force on such day as may be fixed by a notice in that behalf published in the London Gazette, which day is in this act referred to as the commencement of this act (u).

Commencement of act.

(r) See the Foreign Jurisdiction Act, 1878 (41 & 42 Vict. c. 67), s. 3, and the Territorial Waters Jurisdiction Act, 1878 (41 & 42 Vict. c. 73).

(s) See the Sea Fisheries Act, 1875 (38 Vict. c. 15), s. 3, and the Fisheries (Oyster, Crab, and Lobster) Act, 1877 (40 & 41 Vict. c. 42), s. 15.

(t) See as to the North American Fisheries the 59 Geo. 3, c. 38.

(u) A notice with regard to the commencement of the Sea Fisheries Act, 1868, was published in the London Gazette of the 22nd of January,

1869. Another such notice was published in the London Gazette of the 9th of February of the same year. These notices were as follows:—

I.

Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45). . . Notice is hereby given that the day fixed for the said act to come into force is the first day of February, 1869. J. H. FARRAR, Secretary to the Board of Trade.—Board of Trade, January 20, 1869.

II. Sea

Continuance
of act as
herein stated.

4. So much of this act as relates to French subjects or French sea-fishing boats outside of the exclusive fishery limits of the British Islands, and as gives powers to French sea-fishery officers, shall on the determination of the convention set out in the first schedule to this act, cease to apply to French subjects, boats, and officers; but, subject as aforesaid, this act shall continue in force notwithstanding the determination of that convention.

Interpretation
of terms:

"Sea-fish:"

5. In this act—

The term "sea-fish" does not include salmon, as defined by any act relating to salmon, but, save as aforesaid, includes every description both of fish and of shell fish which is found in the seas to which this act applies; and "sea-fishing," "sea-fishermen," and other expressions referring to sea-fish shall in this act be construed to refer only to sea-fish as before defined:

"Sea-fishing
boat:"

The term "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman:

"British
Islands:"

The term "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies; and the terms "Great Britain and Ireland" and "United Kingdom," as used in the first schedule to this act, shall be construed to mean the "British Islands" as herein defined:

"Exclusive
fishery
limits:"

The terms "exclusive fishery limits of the British Islands" and "exclusive fishery limits of France" mean the limits within which the exclusive right of fishing is by article one of the first schedule to this act reserved to British subjects and French subjects respectively:

"Consular
officer:"

The term "consular officer" includes consul general, consul, and vice-consul, and any person for the time being discharging the duties of consul general, consul, or vice-consul; and the term "consular agent" in the first schedule to this act shall be construed to mean consular officer:

"Court:"

The term "court" includes any tribunal or magistrate exercising jurisdiction under this act:

"Person:"

The term "person" includes a body corporate:

"The Irish
Fishery Com-
missioners."

The term "the Irish Fishery Commissioners" means the commissioners acting in execution of the Act of the session of the fifth and sixth years of the reign of her present Majesty, chapter one hundred and six, intituled An Act to regulate the Irish Fisheries, and the acts amending the same.

II.

Sea Fisheries Act, 1868 (H. 500), Board of Trade.—The board have received from the Secretary of State for Foreign Affairs a copy of a despatch from her Majesty's ambassador at Paris, inclosing copy of a note from the imperial minister of foreign affairs, stating that the French government declare it to be impossible that the convention relative to fisheries, signed the 11th of November, 1867, between her Majesty and the Emperor of the French, can be brought into operation until the prohibitions contained therein have been sanctioned by the Corps Legislatif; but that arrangements have

been made in order that a law to that effect may be passed with as little delay as possible. With reference to the notification published in the Gazette of the 22nd ultimo, that the day fixed for the coming into force of the Sea Fisheries Act, 1868, was on the 1st instant, notice is hereby given that the convention above mentioned, which is set out in the First Schedule to the act, has not yet been brought into operation in the manner prescribed in the 39th Article thereof, and that until it has duly come into operation, so much of the Sea Fisheries Act, 1868, as relates thereto does not apply to French subjects and French vessels.

PART II.

CONVENTION AND FISHERIES.

General Provisions.

6. The convention set out in the first schedule to this act (referred to in this act as the convention) is hereby confirmed, and the articles thereof and the declaration thereto annexed shall be of the same force as if they were enacted in the body of this act.

Confirmation
of convention.

7. It shall be lawful for her Majesty from time to time, by order in council, to make, alter, and revoke regulations for carrying into execution this act and the intent and object thereof, and for the maintenance of good order among sea-fishing boats, and the persons belonging thereto, and to impose penalties not exceeding ten pounds for the breach of such regulations (x).

Power to her
Majesty by
orders in
council to
make, &c. re-
gulations for
execution of
act and main-
tenance of
order.

8. The following persons shall have authority to enforce the provisions of this act and of any order in council made thereunder; namely, every officer of or appointed by the Board of Trade, every commissioned officer of any of her Majesty's ships on full pay, every British consular officer, every collector and principal officer of customs in any place in the British Islands, every inspecting commander of the coast guard, every principal officer of a coast guard station, and every commander of any vessel belonging to the French government, and every person appointed by the French government to superintend the fisheries referred to in the convention; and such persons are in this act referred to as sea-fishery officers.

Who are to be
sea-fishery
officers.

9. A sea-fishery officer, for the purpose of enforcing the provisions of this act and of any order in council made thereunder, may, with respect to any sea-fishing boat within the exclusive fishery limits of the British Islands, and with respect to any British or French sea-fishing boat outside of those limits, in the seas to which this act applies, exercise the following powers.

Powers of sea-
fishery
officers.

- (1.) He may go on board it:
- (2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof:
- (3.) He may muster the crew of the boat:
- (4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them:
- (5.) He may examine all sails, lights, buoys, barrels, floats, nets, and implements of fishing belonging to the boat:
- (6.) He may make any examination and inquiry which he deems necessary to ascertain whether the provisions of this act, or of any order in council made thereunder, are complied with:
- (7.) He may, in the case of any person who has committed any of the acts constituted offences by this part of this act, or by any order in council made thereunder, without summons, warrant, or other process, both take the offender and the boat to which he belongs,

(x) See *post*, "Orders in Council."

and the crew thereof, to the nearest or most convenient port, and bring him or them before a competent court, and, subject to article twenty-seven of the convention, detain him, it, and them in the port until the alleged offence has been adjudicated upon.

Protection of fishery officers. 10. A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this act as is given to any officer of customs by the Customs Consolidation Act, 1853 (y), and (with reference to the seizure or detention of any ship) by any act relating to the registry of British ships.

Fishery Regulations.

Penalty on obstructing or disobeying sea-fishery officer. 11. If any person obstructs any sea-fishery officer in acting under the powers conferred by this act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this act, such person shall be deemed to have committed an offence against the fishery regulations of this act.

As to violation of Article 11 of convention. 12. If any person belonging to a sea-fishing boat which is either British or French acts in contravention of article eleven of the first schedule to this act, such person shall be deemed to have committed an offence against the fishery regulations of this act.

As to violation of Articles 12, 15, 16, 17, 19, 20, and 21 of convention. 13. If within the exclusive fishery limits of the British Islands any person, or if outside of those limits any person belonging to a sea-fishing boat which is either British or French, acts in contravention of articles twelve, fifteen, sixteen, seventeen, nineteen, twenty, and twenty-one of the first schedule to this act, or any of them, or causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof or belonging thereto, such person shall be deemed to have committed an offence against the fishery regulations of this act.

Penalty for offences. 14. Every person who has committed an offence against the fishery regulations of this act within the exclusive fishery limits of the British Islands, and every person belonging to a British sea-fishing boat who has committed an offence against those regulations outside of those limits, shall be liable to a penalty of not less than eight shillings and not more than fifty pounds, or, in the discretion of the Court, to imprisonment for not less than two days and not more than three months, with or without hard labour.

If the offence is one by which some injury has been caused in any of the ways before mentioned the Court may order the offender to pay in addition to any penalty a reasonable sum as compensation to the person injured, which sum may be recovered in the same manner as a penalty under this act.

Offender belonging to a French boat to be sent back to France. 15. Where a person belonging to a French sea-fishing boat has committed, outside of the exclusive fishery limits of the British Islands, an offence against the fishery regulations of this act, he shall, after the evidence is taken as provided by this Act, be sent back to France for trial.

Exclusive Fishery Limits.

Penalties for violation of exclusive limits. 16. If any person belonging to a French sea-fishing boat acts in contravention of articles thirty-two, thirty-three, and thirty-five of the

first schedule to this act, or any of them, the master or person for the time being in charge of such boat shall be liable for the first offence to a penalty not exceeding ten pounds; for the second or any subsequent offence to a penalty not exceeding twenty pounds.

And the Court may order that in default of payment of any such penalty the boat to which the offender belongs may be detained in some port of the British Islands for a period not exceeding three months from the date of the sentence inflicting the penalty.

Entry of Boats and Sale of Fish.

17. Article thirty-one of the convention and the declaration annexed to the convention shall not come into force until such day as may be fixed in that behalf by a notice published in the London Gazette (z).

As to suspension of Article 31 of convention.

18. The Commissioners of her Majesty's Customs may from time to time make, alter, and revoke regulations for carrying into effect article thirty-one of the convention, and respecting the report of British sea-fishing boats which have visited foreign ports, and of sea-fishing boats which are not British, and respecting the entry and landing of fish taken by sea-fishing boats which are not British, or respecting any of such matters, and may for such purpose alter and dispense with all or any of the regulations and enactments relating to the aforesaid matters which are contained in this or any other act, or are otherwise from time to time in force.

Power to Commissioners of Customs to make regulations respecting report and entry of sea-fishing boats.

The regulations so made shall be deemed to be regulations within the meaning of section two hundred of the Customs Consolidation Act, 1853 (a).

19. After the commencement of this act all restrictions whatever, in England, on the sale of sea-fish, as defined by this act, which is not diseased, unsound, unwholesome, or unfit for the food of man, shall be abolished.

As to the sale of fish.

Lights.

20. Articles thirteen and fourteen of the first schedule to this act shall, as to all sea-fishing boats within the exclusive fishery limits of the British Islands, and as to British sea-fishing boats outside of these limits, have the same force as if they were regulations respecting lights within the meaning of the acts relating to merchant shipping, with this addition, that any sea-fishery officer shall have the same powers of enforcing such regulations as are given to any officer by such acts, and any infringement of the regulations contained in articles thirteen and fourteen shall be deemed an offence within the meaning of the portion of this act which gives power to sea-fishery officers (b).

As to violation of Articles 13 and 14 of convention.

21. The boats and articles specified in article twenty-two of the first schedule to this act shall be deemed to be included in the term "wreck" as used in any act relating to merchant shipping.

Article 22 to be deemed included in term "wreck."

Registry of Sea-Fishing Boats.

22. Subject to any exemptions allowed by or in pursuance of any order in council made as hereinafter mentioned, every British sea-fishing boat shall, as required by articles four (c), five, six, seven, and eight of the con-

As to entry or registry of British sea-fishing boat.

(z) No notice such as that here referred to appears to have been ever published.

(a) Section 200 of the Customs Consolidation Act, 1853, is repealed by the Customs Laws Consolidation Act, 1876

(39 & 40 Vict. c. 38).

(b) As to this section, see the Sea Fisheries Act, 1875 (38 Vict. c. 15), s. 3.

(c) See the M. S. Act, 1873, s. 3, and note to that section, *post*.

vention, be lettered and numbered and have official papers, and shall for that purpose be entered or registered in a register for sea-fishing boats.

A British sea-fishing boat which is required to be entered or registered in pursuance of this part of this act, but is not so entered or registered, shall not be entitled to any of the privileges or advantages of a British sea-fishing boat, but all obligations, liabilities, and penalties with reference to such boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if such boat were actually so entered or registered.

If any British sea-fishing boat required to be entered or registered in pursuance of this part of this act, and not being so entered or registered, is used as a sea-fishing boat in the seas to which this act applies, the owner and the master of such boat shall each be liable to a penalty not exceeding twenty pounds; and any sea-fishery officer may seize and detain such boat and prevent it from going to sea and from sea-fishing until it is duly entered or registered, and may for that purpose, if it is at sea, take it back into the nearest or most convenient port in the British Islands.

Power to her Majesty in council to provide for registry of British sea-fishing boats.

23. It shall be lawful for her Majesty by order in council (d) from time to time to do all or any of the following things; namely,

- (a.) To make regulations for carrying out, enforcing, and giving effect to both the entry and registry of British sea-fishing boats, and also articles four, five, six, seven, and eight of the first schedule to this act:
- (b.) To adopt in such regulations any existing system of registry or lettering and numbering of boats, and to provide for bringing any such system into conformity with the requirements of the convention and this act, and with the said regulations:
- (c.) To define the boats or classes of boats to which such regulations or any of them are to apply, and to provide for the exemption of any boats or classes of boats from such regulations or any of them, and from the provisions of this part of this act with respect to entry or registry and the possession of a certificate of registry and official papers:
- (d.) To apply to the entry and registry respectively of sea-fishing boats so defined, and to all matters incidental thereto, such (if any) of the enactments contained in any act relating to the registry of British ships, and with such modifications and alterations as may be found desirable:
- (e.) To impose penalties not exceeding twenty pounds for the breach of any regulations made by any order in council, for the breach of which a punishment cannot be provided by the application of the enactments contained in any act relating to the registry of British ships:
- (f.) To alter and revoke an order so made:

And every such order shall be of the same force as if it were enacted in this act.

As to effect of registry.

24. In all proceedings against the owner or master of or any person belonging to any boat registered or entered in the register for sea-fishing boats for offences against the fishery regulations or regulations as to lights in this act, and in all actions or suits for the recovery of damages for injury done by any such boat, such register, or the register under any act relating to the registry of British ships as to boats registered therein, shall be conclusive evidence that the persons registered at any date as owners of such boat were at that date owners thereof, and that the boat is a British sea-fishing boat: Provided that—

- (1.) This provision shall not prevent any proceedings, action, or suit

(d) See *post*, "Orders in Council."

being taken or instituted against any person not registered who is beneficially interested in the boat:

- (2.) This provision shall not affect the rights of the owners among themselves, or the rights of any registered owner against any person not registered who is beneficially interested in the boat:
- (3.) Save as aforesaid, entry or registry in the register for sea-fishing boats shall not confer, take away, or affect any title to or interest in any sea-fishing boat.

25. The two hundred and seventh section of the Customs Consolidation Act, 1853, shall not apply to any British sea-fishing boat entered or registered in pursuance of this part of this act (e).

Sect. 207 of 18 & 17 Vict. c. 107, not to apply to certain boats.

26. Subject to any exemptions allowed by or in pursuance of such order in council, the master of every sea-fishing boat within the exclusive fishery limits of the British Islands, and of every British sea-fishing boat outside of those limits, shall have on board his boat, if it is a British sea-fishing boat required by this part of this act to be entered or registered, the certificate of registry or official papers issued to the boat in pursuance of any act relating to the registry of British ships, or of this part of this act, and if it is not British, then official papers evidencing the nationality of such boat.

Sea-fishing boats within exclusive limits to have official papers.

The master of any such boat who acts in contravention of this section, unless there is a reasonable cause for not having such certificate or official papers (proof whereof shall lie on him), shall be liable, together with his boat and crew, to be taken by any sea-fishery officer, without warrant, summons, or other process, into the nearest or most convenient port, and there to be ordered by the Court, on any proceeding in a summary manner, to pay a penalty not exceeding twenty pounds, and if such penalty is not paid, and the boat is not British, such boat may be detained in port for a period not exceeding three months from the date of the sentence.

[Sections 27 to 56 relate to Oyster Fisheries, and it is considered not necessary to set them out.]

PART IV.

LEGAL PROCEEDINGS.

57. All penalties, offences, and proceedings under this act, or under any order in council made thereunder, (except any felony, and except as otherwise provided,) may be recovered, prosecuted, and taken in a summary manner, and—

Mode of recovering penalties.

In England, before any justice, and

In Scotland, before any Court or judge acting under the Summary Procedure Act, 1864 (f), and any act amending the same, in manner directed by those acts, and

In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemstaf, jurat, or other magistrate, in the manner in which the like penalties, offences, and proceedings are by law recovered, prosecuted, and taken, or as near thereto as circumstances admit.

58. If any person feels aggrieved by any conviction under this act, or by any determination or adjudication of the Court with respect to any compensation under this act, where the sum adjudged to be paid exceeds five pounds or the period of imprisonment adjudged exceeds one month, he may appeal therefrom in manner following; (that is to say,)

Appeal.

In England, in manner directed by law, subject, in the City of London

(e) Sect. 207 of the Customs Consolidation Act, 1853, is repealed by the Customs Laws Consolidation Act,

1876 (39 & 40 Vict. c. 36), s. 288.

(f) 27 & 28 Vict. c. 53.

and the metropolitan police district, to the enactments in that behalf made, and subject elsewhere to the conditions and regulations following:

- (1.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the Court whose decision is complained of has jurisdiction, holden not less than fifteen days and not more than four months after the decision of the Court from which the appeal is made:
- (2.) The appellant shall within three days after the said decision give notice in writing to the other party of his intention to appeal, and the ground of such appeal:
- (3.) Immediately after such notice the appellant shall before a justice of the peace enter into recognizances with two sufficient sureties conditioned personally to try such appeal, and to abide the judgment of the Court thereon, and to pay such costs as may be awarded by the Court:
- (4.) The Court may adjourn the appeal, and upon the hearing thereof they may reverse, confirm, or modify the decision of the justice or justices, with or without costs to be paid by either party:

In Ireland, in manner directed by the Petty Sessions, Ireland, Act, 1851 (g), and any act amending the same:

In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, in manner in which appeals from the like convictions and determinations and adjudications are made.

Proceedings
where of-
fender belongs
to a French
boat.

59. Where a person belonging to a French sea-fishing boat is charged with having committed outside of the exclusive fishery limits of the British Islands an offence against the fishery regulations of this act, the Court shall have jurisdiction to hear and shall hear the case in the same manner as if such person were liable to a penalty under this act, subject to the following provisions:

- (1.) The statement on oath of each witness shall be put into writing, and such writing, in this act referred to as the deposition, shall (in the presence of the accused, unless he has left the port,) be read over to and signed by the witness and by the person or one of the persons who constitute the Court:
- (2.) After the examination of all the witnesses has been completed the Court shall inquire whether the accused has any answer to make to the accusation, and shall warn him that what he says may be given in evidence against him:
- (3.) Any statement made by the accused shall be put into writing, and signed by the person or persons constituting the Court, and added to the depositions:
- (4.) If the Court is of opinion that the evidence is not sufficient to put the accused upon his trial, or to raise a strong or probable presumption of his guilt, the Court shall order him to be discharged. If the Court is of the contrary opinion, the Court shall make an order directing him to be sent back to France for trial, and directing the depositions to be sent to the collector of customs of the port for transmission to the British consular officer of the port to which the accused belongs:
- (5.) All proceedings under this section shall, if possible, be completed before the expiration of three clear days after the arrival of the offender at the port in the British Islands.

Jurisdiction of
Courts.

60. For the purpose of giving jurisdiction to Courts under this act the following provisions shall have effect:

- (1.) A sea-fishing boat shall be deemed to be a ship within the meaning of any act relating to offences committed on board a ship:

- (2.) The same Court shall have power to exercise the jurisdiction conferred by this act with respect to an offence committed by a foreign subject as would have jurisdiction to try such offence if it had been committed by a British subject^(h).

61. If any offender belonging to a British sea-fishing boat is taken into a French port in pursuance of the convention, the depositions, minutes, and other documents, authenticated in manner provided by article twenty-eight of the convention, shall be receivable in evidence without further proof of their authenticity, and a certificate under the seal of a French consular officer in the British Islands that such documents have been so authenticated shall be conclusive evidence of the fact.

Evidence taken in France.

If the depositions were taken in the presence of and so as to be understood by the accused, or if the accused had an opportunity of cross-examining the deponents, or if the minutes are minutes of a judicial proceeding at which the British consular officer of the port was present, and in which the matter in dispute was fairly investigated, and the accused had an opportunity of making his defence, the British consular officer shall certify such fact or facts under his hand and seal, and until the contrary is proved such certificate shall be sufficient evidence of the matters therein stated, and such seal, signature, and certificate shall be deemed to be a seal, signature, and document within the meaning of sections three and five of the act of the session of the eighteenth and nineteenth years of the reign of her present majesty, chapter forty-two, intituled An Act to enable Diplomatic and Consular Agents abroad to administer Oaths and do Notarial Acts.

62. Service of any summons or other matter in any legal proceeding under this act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

Service to be good if made personally or on board ship.

63. Where any offence against the fishery regulations of this act has been committed by some person belonging to any sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to pay any penalty imposed or compensation awarded in respect of such offence, unless the person who actually committed such offence is proved guilty to the satisfaction of the court.

Masters of boats liable to penalties imposed.

Any penalty under this act, except a penalty for the non-payment of which detention in a port is specially provided as the remedy, may be recovered in the ordinary way, or, if the Court think fit so to order, by distress or pawning and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

64. The Court imposing any penalty or enforcing any forfeiture under this act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, and to any direction given under any express provision in this act, all penalties and forfeitures recovered under this act shall be paid into the receipt of her Majesty's Exchequer in such manner as the commissioners of the Treasury may direct, and shall be carried to the Consolidated Fund.

Application of penalties.

^(h) See the M. S. Act, 1867, s. 11, and the Territorial Waters Jurisdiction Act, 1878 (41 & 42 Vict. c. 73).

Saving of
rights as
herein stated.

65. Nothing in this act shall prevent any person being liable under any other act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this act, so that no person be punished twice for the same offence.

Nothing in this act, or in any order in council made thereunder, nor any proceedings under such act or order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

PART V.

MISCELLANEOUS.

Confirmation
of treaties for
exempting
from dues
foreign sea-
fishing boats
entering
British ports
from stress of
weather.

66. Whereas by a convention concluded between the United Kingdom and France on the twenty-sixth day of January one thousand eight hundred and twenty-six it was, amongst other matters, agreed that sea-fishing boats of either country, when forced by stress of weather to seek shelter in the ports or on the coasts of the other country, should on certain conditions be exempted from all dues to which they would otherwise be liable, and doubts have arisen whether that part of the said convention has ever been confirmed by the authority of parliament, and it is expedient to remove such doubts, and to enable her Majesty to provide for the due execution of the said convention and of any other like convention or treaty which may be made by her Majesty: Be it enacted, that where any such convention or treaty as mentioned in this section has been or may hereafter be concluded with any foreign country, her Majesty may by order in council (i) direct that every sea-fishing boat belonging to such foreign country, when forced by stress of weather to seek shelter in any port or place in the British Islands, shall, if it does not discharge or receive on board any cargo, and complies with the other conditions, if any, specified in such order, be exempt from all dues, tolls, rates, taxes, duties, imposts, and other charges to which it would otherwise be liable in such port or place, and every such boat shall be exempt accordingly (i).

As to publica-
tion and evi-
dence of
orders in
council.

69. With respect to any orders in council made in pursuance of this act, the following provisions shall have effect:

- (1.) They shall be published in the London Gazette, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience:
- (2.) They may be proved in any legal proceeding by the production of a copy of the Gazette containing the said advertisement, or of a copy of the orders or regulations purporting to be printed by the printer to her Majesty.

Application of
act.

70. The enactments in this act which are restricted in terms to the seas outside the exclusive fishery limits of the British Islands or to any particular part of the British Islands and the seas adjoining the same shall apply only to those seas and such part, but, save as aforesaid, this act shall apply to the seas adjoining the coasts of France specified in article three of the first schedule to this act outside of the exclusive fishery limits of France, and to the whole of the British Islands as defined by this act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the royal courts of Guernsey and Jersey shall register this act in their respective Courts. . . . (k).

(i) See *post*, "Orders in Council."

(k) The remainder of the section relates to Oyster Fisheries.

71. The enactments described in the second schedule to this act are hereby repealed (7):

Repeal of acts
as in second
schedule.

Provided that—

- (1.) This repeal shall not affect the validity or invalidity of anything already done or suffered, or any right or title conferred by or in pursuance of any enactment hereby repealed, or already acquired or accrued, or any remedy or proceeding in respect thereof, or any proof of any past act or thing, or any offence committed before the commencement of this act, or any penalty or proceeding in respect thereof:
- (2.) This repeal shall not revive or restore any jurisdiction, toll, imposition, office, duty, bounty, franchise, liberty, custom, privilege, restriction, exemption, usage, or practice not now existing or in force.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

CONVENTION between her MAJESTY and the EMPEROR OF THE FRENCH, relative to FISHERIES in the SEAS between GREAT BRITAIN and FRANCE (m).

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Majesty the Emperor of the French, having charged a mixed commission with preparing a revision of the convention of the 2nd of August, 1839, and of the regulation of June 23, 1843, relative to the fisheries in the seas situated between Great Britain and France; and the members of that commission having agreed upon certain arrangements which experience has shown would be useful, and which appear to them such as will advantageously modify and complete the former arrangements in the common interest of the fishermen of the two countries; their said majesties have judged it expedient that the arrangements proposed by the said commission should be sanctioned by a new convention, and have for that purpose named as their plenipotentiaries, that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pennell, Lord Lyons, a peer of the United Kingdom, a member of her Britannic Majesty's most Honorable Privy Council, Knight Grand Cross of the most Honorable Order of the Bath, her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to his Majesty the Emperor of the French;

And his Majesty the Emperor of the French, Leonel, Marquis de Moustier, Grand Cross of the Imperial Order of the Legion of Honour, &c. &c. &c., his minister and secretary of state for foreign affairs;

Who, after having communicated to each other their full powers, found

(7) See the Fisheries (Oyster, Crab, and Lobster) Act, 1877 (40 & 41 Vict. c. 42), s. 16.

(m) This convention does not appear to have come into operation, see the Fisheries (Oyster, Crab, and Lobster) Act, 1877, s. 16, and notices in the London Gazette of the 22nd of January, 1869, and the 9th of February, 1869, respectively. It is, however, provided by sect. 5 of the Sea Fisheries Act, 1868, that all the articles of the convention, set out in the 1st schedule

to that act, shall be of the same force as if they were enacted in the body of the act. The articles of the convention, therefore, seem to be binding on British subjects, and it has been considered advisable that the convention should be printed here. The declaration annexed to the convention has, however, been omitted, as no notice under the 17th section of the Sea Fisheries Act, 1868, appears to have been ever published.

in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

British fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent of the coasts of the British Islands; and French fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coast of France; the only exception to this rule being that part of the coast of France which lies between Cape Carteret and Point Meinga.

The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

The miles mentioned in the present convention are geographical miles, whereof sixty make a degree of latitude.

ARTICLE II.

It is agreed that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present convention, and signed by the respective plenipotentiaries, shall be acknowledged by the high contracting parties, as defining from Point Meinga to Cape Carteret, the limits between which and the French shore the right of fishery shall be reserved exclusively to French fishermen, and these lines are as follows; that is to say,

The first line runs from the point A, three miles from low-water mark (Point Meinga bearing south) to the point B, of which the landmarks are Agon Tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the semaphore on Grand Isle.

The second line runs from the said point B towards Agon Tower and the clump of trees upon Mount Huchon, in the direction north sixty-four degrees east, until, at the point C, it brings the windmill of Lingreville to bear due east.

The third line runs from point C due east towards Lingreville Windmill, until the Grand Huguenant is brought to bear on the Etat Rock at point D.

The fourth line runs from point D northward (keeping the Grand Huguenant in one with the Etat Rock) until it intersects at E a line whose landmarks are Agon Tower on with Coutances Cathedral.

The fifth line runs eastward from point E to point F, where the Steeple of Pirou is brought to bear in a line with the Sennequet Lighthouse.

The sixth line runs from point F due north to point G, where the Steeple of Blainville is brought in a line with the Sennequet Lighthouse.

The seventh line runs from point G in the direction of Pirou Steeple to point H, where the lighthouse on Cape Carteret bears north twenty-four degrees west.

The eighth line runs from point H to point I nearly abreast of Port Bail; point I having for landmarks the fort of Port Bail in a line with the Steeple of Port Bail.

And finally, the ninth line runs from point I to the Three Grunes at point K, where Cape Carteret bears east ten degrees north, in a line with Barneville Steeple.

It is further agreed that all the bearings specified in the present article are to be taken according to the true meridian, and not according to the magnetic meridian.

ARTICLE III.

The arrangements of the present convention shall apply beyond the fishery limits of both countries, as defined by the preceding articles, to

the seas surrounding and adjoining Great Britain and Ireland, and adjoining the coasts of France between the frontiers of Belgium and Spain. The rules respecting oyster fishery shall, however, be observed only in the seas comprised within the limits hereinafter described.

ARTICLE IV.

All British and French fishing boats shall be lettered and numbered.

In the United Kingdom there shall be a series of numbers for the fishing boats belonging to each collectorship of customs, and in France a series of numbers for the fishing boats belonging to each district of maritime registry; and to these numbers shall be prefixed a letter (or letters) to be designated by the Board of Customs in the United Kingdom, and by the Ministry of Marine in France.

ARTICLE V.

The letter (or letters) and number shall be placed on each bow of the boat, 3 or 4 inches (8 or 10 centimetres French) below the gunwale, and they shall be painted in white colour on a black ground.

For boats of 15 tons burthen and upwards the dimensions of the letters and numbers shall be 18 inches (45 centimetres French) in height, and 2½ inches (6 centimetres French) in breadth.

For boats of less than 15 tons burthen, the dimensions shall be 10 inches (25 centimetres French) in height, and 1½ inches (4 centimetres French) in breadth.

The same letter (or letters) and number shall also be painted on each side of the mainsail of the boat, in black oil colour on white sails, and in white oil colour on tanned or black sails. Such letter (or letters) and number on the sails shall be one-third larger in every way than those placed on the bows of the boat.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least 3 inches (8 centimetres French) in height and ¼ inch (12 millimetres French) in breadth.

The letters, numbers, and names placed on the boats and on their sails shall not be effaced, covered, or concealed in any manner whatsoever.

ARTICLE VI.

All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letter (or letters) and number as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they judge proper.

ARTICLE VII.

The letters and numbers of British fishing boats shall, after having been entered in the registry book kept at the collectorship of customs, be inserted on the licences or other official papers of those boats.

The letters and numbers of French fishing boats shall, after having been entered in the registry book kept at the Maritime Registry Office, be inserted on the muster rolls of those boats.

ARTICLE VIII.

The licences or other official papers of British fishing boats, and the muster rolls of French fishing boats, shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

ARTICLE IX.

The fishermen of both countries shall, whenever required, exhibit their licences or other official papers, or their muster rolls, to the commanders of the fishery cruisers, and to all other persons of either country appointed to superintend the fisheries.

ARTICLE X.

Fishing of all kinds, by whatever means and at all seasons, may be carried on in the seas lying beyond the fishery limits which have been fixed for the two countries, with the exception of that for oysters, as hereinafter expressed.

ARTICLE XI.

From the 16th of June to the 31st of August inclusive, fishing for oysters is prohibited outside the fishery limits which have been fixed for the two countries, between a line drawn from the North Foreland light to Dunkirk, and a line drawn from the Land's End to Ushant.

During the same period and in the same part of the channel, no boat shall have on board any oyster dredge, unless the same be tied up and sealed by the customs authorities of one of the two countries in such a manner as to prevent its being made use of.

ARTICLE XII.

No boat shall anchor between sunset and sunrise on grounds where drift-net fishing is actually going on.

This prohibition shall not apply to anchorings which may take place in consequence of accidents, or any other compulsory circumstances; but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about 3 feet (1 metre French) apart, and shall keep those lights up all the time the boat shall remain at anchor (n).

ARTICLE XIII.

Boats fishing with drift nets shall carry on one of their masts two lights, one over the other, 3 feet (1 metre French) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise (n).

ARTICLE XIV.

Subject to the exceptions or additions mentioned in the two preceding articles, the fishing boats of the two countries shall conform to the general rules respecting lights which have been adopted by the two countries.

ARTICLE XV.

Trawl boats shall not commence fishing at a less distance than three miles from any boat fishing with drift nets.

If trawl boats have already shot their nets, they must not come nearer to boats fishing with drift nets than the distance above mentioned.

ARTICLE XVI.

No boat fishing with drift nets shall shoot its nets so near to any other boat which has already shot its nets on the fishing ground as to interfere with its operations.

ARTICLE XVII.

No decked boat fishing with drift nets shall shoot its nets at a less distance than a quarter of a mile from any undecked boat which is already engaged in fishing.

(n) See the Sea Fisheries Act, 1875 (38 Vict. c. 15), s. 3.

ARTICLE XVIII.

If the spot where fishing is going on should be so near to the fishery limits of one of the two countries that the boats of the other country would, by observing the regulations prescribed by Articles XV., XVI., and XVII. preceding, be prevented from taking part in the fishery, such boats shall be at liberty to shoot their nets at a less distance than that so prescribed; but in such case the fishermen shall be responsible for any damage or losses which may be caused by the drifting of their boats.

ARTICLE XIX.

Nets shall not be set or anchored in any place where drift-net fishing is actually going on.

ARTICLE XX.

No one shall make fast or hold on his boat to the nets, buoys, floats, or any part of the fishing tackle belonging to another boat.

No person shall hook or lift up the nets, lines, or other fishing implements belonging to another person.

ARTICLE XXI.

When nets of different boats get foul of each other, the master of one boat shall not cut the nets of another boat except by mutual consent, and unless it be found impossible to clear them by other means.

ARTICLE XXII.

All fishing boats, all rigging gear or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the receiver of wreck if the article saved be taken into the United Kingdom, and to the commissary of marine if the article saved be taken into France.

The receiver of wreck or the commissary of marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries shall fix the amount which the owners shall pay to the salvors.

ARTICLE XXIII.

The execution of the regulations concerning lights and signals, licences, muster rolls, and official papers, the lettering and numbering of boats and implements of fishing, is placed, with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruisers and agents of their own nation.

Nevertheless, the commanders of the cruisers of one of the two nations shall acquaint the commanders of the cruisers of the other nation with any infractions of the above-mentioned regulations committed by the fishermen of such other nation which may come to their knowledge.

ARTICLE XXIV.

All infractions of the regulations concerning the placing of boats on the fishing ground, the distances to be observed between them, the prohibition of oyster fishing during a portion of the year, and concerning every other operation connected with the act of fishing, and more particularly concerning circumstances likely to cause damage, shall be taken cognizance of by the cruisers of either nation, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE XXV.

The commanders of cruisers of either country shall exercise their judgment as to the causes of any infractions brought to their knowledge, or as

to damage arising from any cause whatever committed by British or French fishing boats in the seas beyond the fishery limits which have been fixed for the two countries; they may detain the offending boats and take them into the port nearest the scene of the occurrence, in order that the infraction or damage may be there duly established, as well by comparing the declarations and counter-declarations of the parties interested as by the testimony of those who were present.

ARTICLE XXVI.

When the offence shall not be such as to require exemplary punishment, but shall nevertheless have caused damage to any fisherman, the commanders of the cruisers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned. On refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding article.

ARTICLE XXVII.

Every fishing boat which shall have been taken into a foreign port in conformity with the two preceding articles shall be sent back to her own country for trial as soon as the infraction for which she may have been detained shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than three clear days.

ARTICLE XXVIII.

The depositions, minutes of proceedings, and all other documents concerning the infraction, after having been authenticated by the collector of customs in the United Kingdom, or by the commissary of marine in France, shall be transmitted by that functionary to the consular agent of his nation residing in the port where the trial is to take place^(m).

Such consular agent shall communicate those documents to the collector of customs, or to the commissary of marine, as the case may be; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen he shall proceed with the affair before the competent tribunal or magistrates of the country.

ARTICLE XXIX.

In both countries the competent Court or magistrate shall be empowered to condemn to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days, persons who may infringe the regulations of the convention concerning—

1. The close season for oysters, and illegal possession of dredges on board during that season;
2. The letters, numbers, and names to be placed on the boat, sails, nets, and buoys;
3. The licences or muster rolls;
4. The flags and lights to be carried by the boats;
5. The distances to be observed by the boats between each other;
6. The placing and anchoring of vessels and boats;
7. The placing and shooting of nets and the taking them up;
8. The clearing of nets;
9. The placing of buoys upon nets.

In case of repetition of the offence, the amount of fine or period of imprisonment may be doubled.

ARTICLE XXX.

In all cases of assault committed or of damage or loss inflicted at sea by fishermen of either country upon fishermen of the other country, the

^(m) See sect. 61.

Courts of the country to which the offenders belong shall condemn the latter to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days. They may, moreover, condemn the offenders to pay adequate compensation for the injury.

ARTICLE XXXI.

Fishing boats of either of the two countries shall be admitted to sell their fish in such ports of the other country as may be designated for that purpose, on condition that they conform to the regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present convention; but without prejudice to the opening by either country of any additional ports (n).

ARTICLE XXXII.

The fishing boats of the one country shall not enter within the fishery limits fixed for the other country, except under the following circumstances:—

1. When driven by stress of weather or by evident damage.
2. When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.
3. When obliged by contrary winds or tide to beat up in order to reach their fishing ground; and when from the same cause of contrary wind or tide they could not, if they remained outside, be able to hold on their course to their fishing ground.
4. When, during the herring fishing season, the herring boats of the one country shall find it necessary to anchor under shelter of the coasts of the other country, in order to await the opportunity for proceeding to their fishing ground.
5. When proceeding to any of the ports of the other country open to them for the sale of fish in accordance with the preceding article; but in such case they shall never have oyster dredges on board (n).

ARTICLE XXXIII.

When fishing boats, availing themselves of the privilege specified in Article XXXI. (n), shall have oysters on board, they shall not carry any dredges or other implement for taking oysters.

ARTICLE XXXIV.

The commanders of cruisers may authorize boats belonging to their own country to cross the exclusive fishery limits of the other country, whenever the weather is so threatening as to compel them to seek shelter.

ARTICLE XXXV.

Whenever, owing to any of the exceptional circumstances specified in the three preceding articles, the fishing boats of either country shall be in the ports or within the fishery limits fixed for the other country, the masters of such boats shall immediately hoist a blue flag two feet (60 centimetres French) high, and three feet (one metre French) long, and shall keep that flag flying at the masthead so long as they remain in such ports or within such limits. The flag shall be hauled down as soon as the boat is outside the said limits.

Such boats must return outside the said limits as soon as the exceptional circumstances which obliged them to enter shall have ceased.

(n) See sect. 17.

ARTICLE XXXVI.

The commanders of the cruisers of each of the two countries, and all officers or other agents appointed to superintend fisheries, shall exercise their judgment as to infractions of the regulations with regard to the fishery limits, and when they shall be satisfied of the fact of the infraction they may detain the boats of the offenders, or cause them to be detained, and may take them, or cause them to be taken, into port, where, upon clear proof of the offence, such boats may be condemned by the competent Court or magistrate, to a fine not exceeding 10 pounds (250 francs). In default of payment such boats may be detained for a period not exceeding three months.

In case of repetition of the offence the fine may be doubled.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as speedily and as summarily as the laws in force will permit.

ARTICLE XXXVIII.

The terms "British Islands" and "United Kingdom," employed in this convention, shall include the Islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies.

ARTICLE XXXIX.

Her Britannic Majesty engages to recommend to Parliament to pass an act to enable her to carry into execution such of the arrangements contained in the present convention as require legislative sanction. When such an act shall have been passed, the convention shall come into operation from and after a day to be then fixed upon by the two high contracting parties (c). Due notice shall be given in each country by the government of that country of the day which may be so fixed upon.

ARTICLE XL.

The convention shall continue in force for 10 years from the day on which it may come into operation, and if neither party shall, 12 months before the expiration of the said period of 10 years, give notice of its intention to terminate its operation, the convention shall continue in force one year longer, and so on from year to year, until the expiration of one year's notice from either party for its termination.

The high contracting parties however reserve to themselves the power to make, by mutual consent, any modification in the convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles on which it is based.

ARTICLE XLI.

The convention concluded between the high contracting parties on the 2nd of August, 1839, and the regulations of the 23rd of June, 1843, shall continue in force until the day when, as provided in Article XXXIX., the present convention shall come into operation, and shall then altogether cease and determine (c).

ARTICLE XLII.

The present convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

(c) See the Fisheries (Oyster, Crab, and Lobster) Act, 1877 (40 & 41 Vict. c. 42), s. 15.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

ADDITIONAL ARTICLE.

It is agreed that Article XXXI. of the convention signed this day shall not come into operation until the two contracting parties shall have come to a further understanding on the subject. Due notice shall be given of the day that may be fixed upon for its coming into operation (*p*).

The present additional article shall have the same force and validity as if it were inserted, word for word, in the convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the convention.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

[THE DECLARATION annexed to the Convention follows, but it has not been considered necessary to print it, for the reasons given above. (See note to the commencement of the Schedule.)]

SECOND SCHEDULE.

6 & 7 Vict. c. 79 . . .	An Act to carry into effect a Convention between her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France (<i>q</i>).
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31 & 32 VICT. c. 71.

An Act for conferring Admiralty Jurisdiction on the County Courts (*r*). [31st July, 1868.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act may be cited as "The County Courts Admiralty Jurisdiction Act, 1868." Short title.

(*p*) No such notice as that here referred to appears to have ever been given.

(*q*) The 6 & 7 Vict. c. 79, is temporarily revived by the Fisheries (Oyster, Crab, and Lobster) Act, 1877 (40 & 41 Vict. c. 42), s. 16, which enacts, that notwithstanding anything in the Sea Fisheries Act, 1868, the 6 & 7 Vict. c. 79, so far as regards French fishermen and French sea-fishing boats, shall be in force as if it had not been repealed, and shall continue in force

until the day when the convention set out in the First Schedule to the Sea Fisheries Act, 1868, shall come into operation. Such portions of the 6 & 7 Vict. c. 79, as have been revived by the 40 & 41 Vict. c. 42, s. 16, will be found in a note to the latter act, *infra*.

(*r*) See the County Courts Admiralty Jurisdiction Act Amendment Act, 1869 (32 & 33 Vict. c. 51), and the County Courts Act, 1875 (38 & 39 Vict. c. 50).

Appointment
of County
Courts for
admiralty
purposes.

2. If at any time after the passing of this act it appears to her Majesty in council, on the representation of the Lord Chancellor, expedient that any County Court should have admiralty jurisdiction, it shall be lawful for her Majesty, by Order in Council (s), to appoint that Court to have admiralty jurisdiction accordingly, and to assign to that Court as its district for admiralty purposes any part or parts of any one or more district or districts of County Courts; and the district so constituted for that Court, with the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof, shall be deemed its district for admiralty purposes; and accordingly the judge and all officers of the Court shall have jurisdiction and authority for those purposes throughout that district, as if the same was the district of the Court for all purposes; and, from a time to be specified in each such order, this act shall have effect in and throughout the district so constituted; and any such order may be from time to time varied as seems expedient; and a County Court so appointed to have admiralty jurisdiction, and no other County Court, shall, for the purposes of this act, be deemed a County Court having admiralty jurisdiction: provided that no judge of a County Court, except the judges of the London Court, shall have jurisdiction in the city of London.

Extent of
admiralty
jurisdiction
of County
Courts.

3. Any County Court having admiralty jurisdiction shall have jurisdiction (t), and all powers and authorities relating thereto (u), to try and determine, subject and according to the provisions of this act, the following causes (in this act referred to as admiralty causes):

- (1.) As to any claim for salvage (v)—Any cause in which the value of the property saved does not exceed one thousand pounds, or in which the amount claimed does not exceed three hundred pounds (x):
- (2.) As to any claim for towage, necessaries (y), or wages (z)—Any cause in which the amount claimed does not exceed one hundred and fifty pounds:
- (3.) As to any claim for damage to cargo (a), or damage by collision (b)—Any cause in which the amount claimed does not exceed three hundred pounds:
- (4.) Any cause in respect of any such claim or claims as aforesaid, but in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree by a memorandum signed by them or by their attorneys or agents that any County Court having admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction.

Restrictions
on County
Court juris-
diction in cer-
tain cases.

4. Nothing in this act, or in any order in council under it, shall confer on a County Court jurisdiction in any prize cause, or in any other matter within the Naval Prize Act, 1864 (c), or in any matter arising under any of the acts for the suppression of the slave trade (d), or any admiralty jurisdiction by way of appeal.

No County
Court other

5. From and after the time specified in each order in council under this act appointing a County Court to have admiralty jurisdiction within

(s) See *post*, "Orders in Council."

(t) See the County Courts Admiralty Jurisdiction Act, 1869, s. 3.

(u) See the County Courts Act, 1875, s. 4, and the Judicature Act, 1873, ss. 89, 90, 91.

(v) See the M. S. Act, 1862, s. 49, subs. 6.

(x) See *The Margaret Jane*, L. R., 2 A. & E. 345; *The Empress*, L. R., 3 A. & E. 502; *The Glannibanta*, 2 P. D. 45.

(y) See *The Dowse*, L. R., 3 A. & E. 135; *Ex parte Michael*, L. R., 7 Q. B. 658; *The Elpis*, L. R., 4 A. & E. 1.

(z) See *The Blessing*, 3 P. D. 35.

(a) See the County Courts Admiralty Jurisdiction Act, 1869, s. 2.

(b) *Ib.* s. 4.

(c) 27 & 28 Vict. c. 25.

(d) 5 Geo. 4, c. 113; 7 Will. 4 & 1 Vict. c. 91; 6 & 7 Vict. c. 98, and 36 & 37 Vict. c. 88.

any district as the time from which this act shall have effect in and throughout that district, no County Court, other than the County Court so appointed, shall have jurisdiction within that district in any admiralty cause (e); provided that all admiralty causes at that time pending in any County Court within that district may be continued as if no such order in council had been made.

than that appointed to have jurisdiction.

6. The High Court of Admiralty of England, on motion by any party to an admiralty cause pending in a County Court, may, if it shall think fit, with previous notice to the other party, transfer the cause to the High Court of Admiralty, and may order security for costs, or impose such other terms as to the Court may seem fit (f).

As to transfer from County Court by order of High Court of Admiralty.

7. If during the progress of an admiralty cause in a County Court it appears to the Court that the subject-matter exceeds the limit in respect of amount of the admiralty jurisdiction of the Court, the validity of any order or decree theretofore made by the Court shall not be thereby affected, but (unless the parties agree, by a memorandum signed by them, or by their attorneys or agents, that the Court shall retain jurisdiction,) the Court shall by order transfer the cause to the High Court of Admiralty; but that Court may, nevertheless, if the judge of that Court in any case thinks fit, order that the cause shall be prosecuted in the County Court in which it was commenced, and it shall be prosecuted accordingly.

As to transfer of causes by order of County Court to High Court of Admiralty.

8. If during the progress of an admiralty cause in a County Court it shall appear to the Court that the cause could be more conveniently prosecuted in some other County Court, or in the High Court of Admiralty of England, the Court may by order transfer it to such other County Court, or to the High Court of Admiralty of England, as the case may be, and the cause shall thenceforward be so prosecuted accordingly.

As to transfer of causes to other County Courts or Court of Admiralty.

9. If any person shall take in the High Court of Admiralty of England or in any superior Court proceedings which he might, without agreement, have taken in a County Court, except by order of the judge of the High Court of Admiralty or of such superior Court or of a County Court having admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the County Court in that admiralty cause is limited by this act, and also if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the High Court of Admiralty or in any superior Court in respect of property saved, the value of which when saved does not exceed one thousand pounds, he shall not be entitled to costs (g), and shall be liable to be condemned in costs, unless the judge of the High Court of Admiralty or of a superior Court before whom the cause is tried or heard shall certify that it was a proper admiralty cause to be tried in the High Court of Admiralty of England or in a superior Court.

Restrictions on proceedings in the Court of Admiralty or superior Court.

10. In an admiralty cause in a County Court the cause shall be heard and determined in like manner as ordinary civil causes are now heard and determined in County Courts; save and except that in any admiralty cause of salvage, towage, or collision the County Court judge shall, if he think fit, or on the request of either party to such cause, be assisted by two nautical assessors in the same way as the judge of the High Court of Admiralty is now assisted by nautical assessors (h).

Powers, &c. of judges and registrars.

11. In any such admiralty cause as last aforesaid it shall be lawful for the judge of the County Court, if he think fit, and he shall, upon request

Power to judge of County Court

(e) See the M. S. Act, 1862, s. 49, sub. 6.

(f) See *The Swan*, L. R., 3 A. & E. 314.

(g) See Rules of the Supreme Court, Order LV., and *Garnett v. Bradley*, 3 App. Cas. 944.

(h) See the County Courts Admiralty Jurisdiction Act, 1869, s. 5.

to summon nautical assessors to his assistance. of either party, summon to his assistance in such manner as general orders shall direct two nautical assessors, and such nautical assessors shall attend and assist accordingly (*h*).

Decreets in County Courts in admiralty causes to have same force as those in civil causes. 12. The decree of the County Court in an admiralty cause shall be enforced against the person or persons summoned as the defendant or defendants in the same manner as the decrees of the said Court are enforced in ordinary civil causes, save and except as in this act otherwise provided.

Admiralty causes to be heard at usual Courts. 13. The judge of every County Court having admiralty jurisdiction shall hear and determine admiralty causes at the usual Courts held within his jurisdiction, or at special Courts to be held by him, and which he is hereby required to hold as soon as may be after he shall have had notice of an admiralty cause having arisen within the jurisdiction of his Court.

Appointment of assessors in County Court. 14. The registrar of each County Court having admiralty jurisdiction shall from time to time frame a list, to be approved by the judge of the High Court of Admiralty before whom the same shall be laid by the County Court judge, and without whose approval it shall have no validity, of assessors, of persons of nautical skill and experience residing or having places of business within the district of the County Court, to act as assessors in that Court, and shall cause the list to be published in the London Gazette.

Attendance of assessors. 15. Every person named in the list of assessors so framed and approved shall attend the County Court under such circumstances, and in such rotation, and subject to such regulations, and shall receive such fees for his attendance, as general orders shall direct, and for every wilful non-attendance shall be liable, at the discretion of the Court, to a penalty not exceeding five pounds.

Removal of assessors. 16. Every assessor named in such list shall hold his office until a new list of assessors shall have been framed and approved as aforesaid, or until he shall resign his appointment.

Remuneration of registrars. 17. The registrars of the County Courts shall be remunerated for their duties in admiralty causes by receiving for their own use such fees as general orders shall direct.

Scale of costs. 18. A scale of costs and charges in admiralty causes in the County Courts shall be prescribed by general orders (*i*).

Power to registrars to administer oaths and take evidence. 19. The registrar of a County Court shall have power to administer oaths in relation to any admiralty cause in a County Court; and any person who shall wilfully depose or affirm falsely before the registrar in any admiralty cause shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury.

Evidence before registrar receivable in Admiralty Court. 20. Evidence taken in any admiralty cause before the registrar of a County Court, as the judge of a County Court or general orders shall direct, shall be received as evidence in any other County Court, saving all just exceptions; and the registrar of any County Court shall, for the purpose of the examination of any witnesses within the district of that Court, have all the like powers and authorities of an examiner of the High Court of Admiralty of England, and evidence taken by him in that capacity shall be received as evidence in the High Court of Admiralty of England, saving all just exceptions.

(*h*) See the County Courts Admiralty Jurisdiction Act, 1869, s. 5.

(*i*) The scale of costs now in force is set out, Weekly Notes (Miscellaneous), Nov. 20, 1875, p. 566.

21. Proceedings in an admiralty cause shall be commenced—

- (1.) In the County Court having admiralty jurisdiction within the district of which the vessel or property to which the cause relates is at the commencement of the proceedings:
- (2.) If the foregoing rule be not applicable, then in the County Court having admiralty jurisdiction in the district of which the owner of the vessel or property to which the cause relates or his agent in England, resides, or if such owner or agent does not reside within any such district, then in the County Court having admiralty jurisdiction the district whereof is nearest to the place where such owner or agent resides:
- (3.) If for any reason the last foregoing rule is not applicable or cannot be acted on, then in such County Court having admiralty jurisdiction as general orders direct:
- (4.) In any case in the County Court or one of the County Courts having admiralty jurisdiction in which the parties by a memorandum, signed by them or by their attorneys or agents, agree shall have jurisdiction in the cause.

As to proceedings in County Court for commencement of cause.

22. In an admiralty cause in a County Court if evidence be given to the satisfaction of the judge, or in his absence the registrar of the Court, that it is probable that the vessel or property to which the cause relates will be removed out of the jurisdiction of the Court before the plaintiff's claim is satisfied, it shall be lawful for the said judge, or in his absence for the registrar, to issue a warrant for the arrest and detention of the said vessel or property, unless or until bail to the amount of the claim made in such cause, and to the reasonable costs of the plaintiff in such cause, be entered into and perfected, according to general orders, by or on behalf of the owner of the vessel or property or his agent, or other the defendant in such cause; and, except as in this section expressly provided, there shall be no arrest or detention of a vessel or property in an admiralty cause in a County Court otherwise than in execution.

Limitation of arrest.

23. For the execution of any decree or order of a County Court in an admiralty cause the Court may order, and the registrar on such order may seal and issue, and any officer of any County Court may execute, process according to general orders; provided that where under such process a vessel or property would or might be sold, then, if the owner of the vessel or property desires that the sale should be conducted in the High Court of Admiralty instead of in the County Court, he shall be entitled, on security for costs being first given, and subject and according to such other provisions as general orders direct, to obtain an order of the County Court for transfer of the proceedings for sale, with or without (as the judge of the County Court thinks fit) the transfer of the subsequent proceedings in the cause, to the High Court of Admiralty, which Court shall have jurisdiction and all powers and authorities relating thereto accordingly.

Power to issue process.

24. Such decrees and orders of County Courts in admiralty causes as general orders shall direct shall be registered with the registrar of County Court judgments in London in such manner as general orders shall direct.

Registration of decrees and orders.

25. The Court of Passage of the borough of Liverpool shall, upon an order in council (*j*) being made which shall appoint the County Court of Lancashire holden at Liverpool to have admiralty jurisdiction, have the like jurisdiction, powers, and authorities as by that order are conferred on the said County Court; but nothing herein shall be deemed to enlarge the area over which the jurisdiction of the Court of Passage extends, or to alter the rules and regulations for holding the said Court, or to take

Concurrent jurisdiction of the Court of Passage.

(*j*) See *post*, "Orders in Council."

away or restrict any jurisdiction, power, or authority already vested in that Court; and fees received in that Court under this act shall be dealt with as fees received in that Court under its ordinary jurisdiction.

Appeal to
Court of
Admiralty.

26. An appeal may be made to the High Court of Admiralty of England from a final decree or order of a County Court^(k) in an admiralty cause, and, by permission of the judge of the County Court, from any interlocutory decree or order therein, on security for costs being first given, and subject to such other provisions as general orders shall direct^(l).

Time for
appeal.

27. No appeal shall be allowed unless the instrument of appeal is lodged in the registry of the High Court of Admiralty within ten days from the date of the decree or order appealed from, but the judge of the High Court of Admiralty of England may, on sufficient cause being shown to his satisfaction for such omission, allow^(m) an appeal to be prosecuted, notwithstanding that the instrument of appeal has not been lodged within that time⁽ⁿ⁾.

Agreement
not to appeal.

28. No appeal shall be allowed if, before the decree or order is made, the parties shall have agreed by a memorandum signed by them, or by their attorneys or agents, that the decree or order shall be final; and any such agreement need not be stamped, except in respect of any fee imposed by general orders.

As to appeals
to the Queen
in Council.

29. *There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from a County Court, except by express permission of the judge of the High Court of Admiralty^(o).*

Costs of
appeal.

30. On an appeal under this act, when the appellant is unsuccessful, he shall pay the costs of the appeal, unless the Appellate Court shall otherwise direct^(p).

No appeal
unless amount
exceeds 50*l*.

31. No appeal shall be allowed unless the amount decreed or ordered to be due exceeds the sum of fifty pounds^(q).

Conduct of
sale, &c. in
Court of
Admiralty.

32. On an appeal under this act, the judge of the High Court of Admiralty, if it appears to him expedient that any sale decreed or ordered to be made of the vessel or property to which the cause relates should be conducted in the High Court of Admiralty instead of in the County Court from which the appeal is brought, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings in the cause, to the High Court of Admiralty, which Court shall have jurisdiction, and all powers and authorities relating thereto accordingly.

In certain
cases causes
may be trans-
ferred by

33. In all cases which shall arise within the jurisdiction of the Cinque Ports as defined by the Act first and second George the Fourth, chapter seventy-six, section eighteen, causes may be transferred by the County

(k) See *The Dowse*, L. R., 3 A. & E. 135.

(l) See *The Samuel Laing*, L. R., 3 A. & E. 284; *The Forest Queen*, L. R., 3 A. & E. 299. See also the County Courts Act, 1875, s. 11.

(m) See *The Amstel*, 2 P. D. 186.

(n) See the County Courts Act, 1875 (38 & 39 Vict. c. 50), s. 6.

(o) This section is repealed by the County Courts Act, 1875 (38 & 39 Vict.

c. 50), s. 12. See sect. 10 of that act.

(p) See Rules of the Supreme Court, Order LV.; and *Garnett v. Bradley*, 3 App. Cas. 944.

(q) See *The Elizabeth*, L. R., 3 A. & E. 33; and *The Falcon*, 3 P. D. See also the County Courts Act, 1875 (38 & 39 Vict. c. 50), s. 10; *The Two Brothers*, 1 P. D. 52; and Rules of the Supreme Court, December, 1876, rule 11.

Court and appeals made to the Court of Admiralty of the Cinque Ports in lieu of the High Court of Admiralty; and in the case of appeals the instrument of appeal shall be lodged in the registry of the Cinque Ports, and the same discretion vested in the judge official and commissary of the said Cinque Ports Court as is by this act vested in the judge of the High Court of Admiralty.

County Court and appeals made to Court of Admiralty of the Cinque Ports.

34. This act shall be read as one act with so much of the County Courts Act, 1846(*r*), and the acts amending or extending the same, as is now in force.

County Court Acts applied to this act.

35. General orders shall be from time to time made under this act for the purposes in this act directed, and for regulating the practice and procedure of the admiralty jurisdiction of the County Courts, the forms of processes and proceedings therein or issuing therefrom, and the days and places of sittings for admiralty causes, the duties of the judges and officers thereof, and the fees to be taken therein (*s*).

Practice, &c. to be regulated by general orders.

36. General orders under this act shall be made by the Lord Chancellor, with the advice and assistance of the judge of the High Court of Admiralty of England, and, as far as they relate to fees, or to the receipt and expenditure of and accounting for money, with the approval of the Commissioners of her Majesty's Treasury.

Authority for making general orders.

31 & 32 VICT. c. 86.

An Act to enable Assignees of Marine Policies to sue thereon in their own Names. [31st July, 1868.]

WHEREAS it is expedient that the assignees of marine policies of insurance should be enabled to sue thereon in their own names:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Whenever a policy of insurance on any ship, or on any goods in any ship, or on any freight, has been assigned, so as to pass the beneficial interest in such policy to any person entitled to the property thereby insured, the assignee of such policy shall be entitled to sue thereon in his own name (*t*); and the defendant in any action shall be entitled to make any defence which he would have been entitled to make if the said action had been brought in the name of the person by whom or for whose account the policy sued upon was effected (*u*).

Assignees of marine policies may sue thereon in their own names.

2. It shall be lawful to make any assignment of a policy of insurance by endorsement on the policy in the words or to the effect set forth in the schedule hereto.

Assignment by endorsement.

3. For the purposes and in the construction of this act the term "policy of insurance" or "policy" shall mean any instrument by which the payment of money is assured or secured on the happening of any of the contingencies named or contemplated in the instrument of assurance

Interpretation of terms.

(*r*) 9 & 10 Vict. c. 95.

(*s*) See Weekly Notes (Miscellaneous), Nov. 20, 1875, p. 489, where the County Court Rules now in force are set out.

(*t*) See the Judicature Act, 1873 (36 & 37 Vict. c. 66), s. 25, subs. 6.

(*u*) See *Lloyd v. Fleming*, L. R., 7 Q. B. 299; and *North of England Pure Oil Cake Company v. Archangel Maritime Insurance Co.*, L. R., 10 Q. B. 249.

known as "Lloyd's policy," or in any other form adopted for insuring ships, freights, and goods carried by sea.

Short title. 4. This act may be cited for all purposes as "The Policies of Marine Assurance Act, 1868."

SCHEDULE.

FORM OF ASSIGNMENT.

I, A. B., of, &c., do hereby assign unto C. D., &c., his executors, administrators, and assigns, the within policy of assurance on the ship, freight, and the goods therein carried [or on ship or freight or goods, as the case may be].

In witness whereof, &c.

31 & 32 VICT. c. 129.

An Act to amend the Law relating to the Registration of Ships in British Possessions. [31st July, 1868.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Grant of terminable certificates of registry, subject to conditions, in colonies.

1. The governor or officer lawfully administering the government of any British possession may from time to time, with the approval of one of her Majesty's principal secretaries of state, make regulations providing that on an application for registration under the Merchant Shipping Act, 1854, in that possession of any ship not exceeding sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by that act, a certificate of registry to be terminable at the end of six months from the granting thereof, or of any longer period ; and all certificates of registry granted under any such regulations shall be in such form and shall have effect subject to such conditions as the regulations prescribe.

Ship to be deemed registered.

2. Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other act, any ship to which a certificate is granted under any such regulations shall, while such certificate is in force, and in relation to all things done or omitted during that period, be deemed a registered British ship.

Governors abroad may appoint surveyors.

3. The governor of any British possession abroad may from time to time appoint fit and proper persons to be surveyors, who shall have and exercise within such possession all the powers with respect to the inspection of crew spaces that are conferred upon the Board of Trade surveyors in the United Kingdom by section nine of the Merchant Shipping Act, 1867.

Construction of act.

4. This act shall be read as one act with the Merchant Shipping Act, 1854, and the acts amending the same.

Short title.

5. This act may be cited as "The Colonial Shipping Act, 1868."

32 VICT. c. 11.

An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions.

[13th May, 1869.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This act may be cited as "The Merchant Shipping (Colonial) Act, Short title. 1869."

2. In this act, unless the context otherwise requires,—

The term "British possession" means any territory or place situate within her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as hereinafter defined are deemed to be one British possession for the purposes of this act :

Definition of terms :

"British possession;"

The term "legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only.

"Legislature."

3. This act shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this act, and shall come into operation in that British possession on the day of such proclamation, which day is hereinafter referred to as the commencement of this act.

Commencement of act.

Coasting Trade.

4. After the commencement of this act the legislature of a British possession, by any act or ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions :

Regulation of coasting trade by colonial legislature.

- (1.) The act or ordinance shall contain a suspending clause, providing that such act or ordinance shall not come into operation until her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.
- (2.) The act or ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made.
- (3.) Where by treaty made before the passing of this act her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as her Majesty has already agreed or may hereafter agree to grant the same, anything in the act or ordinance to the contrary notwithstanding.

5. The following sections of the Customs Consolidation Act, 1853, are hereby repealed; namely, Section three hundred and twenty-eight as from the commencement of this act :

Sects. 328 and 163 of 16 & 17 Vict. c. 107, repealed.

Section one hundred and sixty-three as from the date in the case of each British possession at which either an act or ordinance with respect to the coasting trade made within two years after the commence-

ment of this act in such British possession comes into operation, or if there is no such act or ordinance, at which the said two years expire (x).

Merchant Shipping.

Registrars of
British ships
in British
possessions.

6. It shall be lawful for her Majesty, by order in council, from time to time to declare, with respect to the British possession mentioned in the order, the description of persons who are to be registrars of British ships in that British possession, and to revoke any order so made.

After the date specified in the order, or, if no date is specified, after the date of the proclamation of the order in the British possession, the order shall have effect as if it were contained in section thirty of the Merchant Shipping Act, 1854 (y).

Application of
Merchant
Shipping Acts
to Canada.

7. In the construction of the Merchant Shipping Act, 1854, and of the acts amending the same, Canada shall be deemed to be one British possession.

Colonial
certificates to
master, mates
and engineers.

8. Where the legislature of any British possession provides for the examination of and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the acts relating to merchant shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for her Majesty, by order in council (z),

1. To declare that the said certificates shall be of the same force as if they had been granted under the said acts:
2. To declare that all or any of the provisions of the said acts which relate to certificates of competency granted under those acts shall apply to the certificates referred to in the said order:
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the *London Gazette* of any such order in council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such order, take effect as if they had been contained in this act.

It shall be lawful for her Majesty in council to revoke any order made under this section.

32 & 33 VICT. c. 51.

An Act to amend the County Courts (Admiralty Jurisdiction) Act, 1868, and to give Jurisdiction in certain Maritime Causes.

[2nd August, 1869.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in

(x) The sections of the Customs Consolidation Act, 1853, mentioned in this section, have been again repealed by the Customs Laws Consolidation Act, 1876 (39 & 40 Vict. c. 36), s. 288.

(y) See *post*, "Orders in Council."
(z) For a list of orders in council, made under the provisions of this section, see *post*, "Orders in Council."

this present Parliament assembled, and by the authority of the same, as follows:

1. This act may be cited as "The County Courts Admiralty Jurisdiction Amendment Act, 1869," and shall be read and interpreted as one act with the County Courts Admiralty Jurisdiction Act, 1868. Short title.

2. Any County Court appointed or to be appointed to have admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine the following causes: Extension of jurisdiction over ships and goods.

(1.) As to any claim arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed three hundred pounds (a):

(2.) As to any cause in respect of any such claim or claims as aforesaid, but in which the amount claimed is beyond the amount limited as above mentioned, when the parties agree, by a memorandum signed by them or by their attorneys or agents, that any County Court having admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction. If parties agree, causes in respect of claims of higher amount may be determined by County Court.

3. The jurisdiction conferred by this act and by the County Courts Admiralty Jurisdiction Act, 1868, may be exercised either by proceedings in rem or by proceedings in personam (b). Proceedings in rem or in personam.

4. The third section of the County Courts Admiralty Jurisdiction Act, 1868, shall extend and apply to all claims for damage to ships, whether by collision or otherwise, when the amount claimed does not exceed three hundred pounds (c). Amendment of sect. 3 of 31 & 32 Vict. c. 71.

5. In any admiralty or maritime cause the judge may, if he think fit, or on the request of either party, be assisted by two mercantile assessors; and all the provisions of the County Courts Admiralty Jurisdiction Act, 1868, with reference to nautical assessors, shall apply to the appointment, approval, summoning, and remuneration of such mercantile assessors. As to appointment of mercantile assessors.

6. The assessor of the Court of Passage of the borough of Liverpool shall have power from time to time to make general rules and orders for regulating the practice and procedure of the admiralty and maritime jurisdiction in the said Court, and for other purposes mentioned in section thirty-five of the County Courts Admiralty Jurisdiction Act, 1868; and any general rules and orders already made or hereafter to be made by the said assessor for any of the purposes aforesaid shall be of full force and effect as if the same had been made under this or the aforesaid act (d). Power of assessor of Court of Passage to make general rules and orders.

7. This act shall come into operation on the first day of September one thousand eight hundred and sixty-nine. Commencement of act.

(a) See *The Swan*, L. R., 3 A. & E. 314; *The Nuova Raffaellina*, L. R., 3 A. & E. 483; *Simpson v. Blues*, L. R., 7 C. P. 290; *The Cargo ex Argos*, L. R., 3 A. & E. 568; L. R., 5 P. C. 134; L. R., 4 A. & E. 13; *The Hewsons*, L. R., 3 A. & E. 568; L. R., 5 P. C. 134; *Gunnestad v. Price*, and *Fullmore v. Wait*, L. R., 10 Ex. 66; *The Chasco*, L. R., 4 A. & E. 446.

(b) See *The Archimedes*, Weekly Notes, 1870, p. 10.

(c) See *Everard v. Kendall*, L. R., 5 C. P. 428; *The Alexandria*, L. R., 3 A. & E. 574; *Flower v. Bradley*, 44 L. J., Ex. 1; *Purkis v. Flower*, L. R., 9 Q. B. 114.

(d) For the rules and orders now in force under the provisions of this section, see Supplement to Williams and Bruce's Admiralty Practice, p. 51. See also Passage Court Rules of December, 1876 (Charley's Judicature Act, p. 1057, ed. 1877).

33 & 34 VICT. c. 45.

An Act for establishing a District Registrar of the High Court of Admiralty in England at Liverpool. [1st August, 1870.]

WHEREAS a large proportion of the entire business now transacted in each year before the High Court of Admiralty of England consists of suits arising from the port of Liverpool:

And whereas it would tend to increase the despatch and to lessen the expense of Admiralty suits if a registry of the said High Court of Admiralty were established at Liverpool:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This act may be cited for all purposes as "The Liverpool Admiralty District Registrar's Act, 1870."

Power to establish Court of Admiralty in Liverpool.

2. There shall be established in Liverpool a registry of the High Court of Admiralty, and it shall be lawful for her Majesty from time to time by Order in Council to fix the limits of such registry (e).

Power to appoint registrar, clerks, and officers.

3. There shall be a registrar for such district (f), and such clerks and other officers as the judge of the High Court of Admiralty, with the concurrence of the Commissioners of her Majesty's Treasury, shall consider necessary, but no such registrar, clerk or other officer shall be entitled to claim any compensation in case his office shall at any time be abolished.

Registrar, clerks and other officers to be appointed by judge.

4. The Liverpool district registrar shall be appointed by the judge, with the approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland for the time being, or of the Lords Commissioners for executing the office of Lord High Admiral, as the case may be. Such clerks and other officers as aforesaid shall be appointed by the judge.

To hold office during good behaviour.

5. The Liverpool district registrar and such clerks and other officers as aforesaid may respectively be removed by the judge for inability or misbehaviour.

Qualification of registrar.

6. No person shall be appointed Liverpool district registrar unless he shall have been in practice as an advocate or barrister, proctor, attorney, or solicitor for a period of ten years.

Registrar not to practise as attorney in his district.

7. It shall not be lawful for the Liverpool district registrar, during the time he shall hold and exercise his office, either directly or indirectly by himself, his partners, clerk, or other person, to practise in his district of the said court, either as barrister or as attorney originally retained or as agent for any other attorney, nor to participate in any costs payable to any attorney in respect of any business done or suit or matter instituted or prosecuted in the district registry; and the Liverpool district registrar being proved to the satisfaction of the said judge of the Court of Admiralty to have so practised, or to have participated in any costs as aforesaid, contrary to the meaning and intent of this act, shall be deemed to have committed and shall be punishable as and for a contempt of Court, and shall be liable to dismissal from his office.

Powers of registrar.

8. The Liverpool district registrar shall have and exercise, in respect of any matter in his registry, all powers held or exercised by the registrar of

(e) See *post*, "Orders in Council."

(f) See the Judicature Act, 1873 (36 & 37 Vict. c. 66), s. 60; the Judicature Act, 1875 (38 & 39 Vict. c. 77), s. 13, and an Order in Council of the 12th of August, 1875, whereby the

district registrar of the High Court of Admiralty at Liverpool, and the district prothonotary at Liverpool of the Common Pleas at Lancaster, are appointed joint district registrars of the High Court of Justice.

the High Court of Admiralty of England, by virtue of this or of any former act or rule.

9. Any suit may be instituted,—

1. In the Liverpool district registry when the ship or property the subject of the suit is at the time of the institution of the suit within the district of such registry: Where suits to be instituted.
2. Or when the owner or owners of the ship or property, or the owner or owners of the larger number of shares in the ship, or the managing owner, or ship's husband, reside at the time of the institution of the suit within the district of such registry:
3. Or when the port of registry of the ship is within the district of such registry:
4. Or when the parties so agree by a memorandum signed by them or their attorneys or agents:

Provided always, that when a suit has been instituted in the Liverpool district registry, no further suit shall be instituted against the same property in the principal registry without leave of the judge, and subject to such terms as to costs and otherwise as he may direct.

10. An appeal may be made to the High Court of Admiralty of Appeal. England from a final decree or order of the Liverpool district registrar, and by permission of the Liverpool district registrar or of the judge from any interlocutory decree or order therein, on security for costs being first given, and subject to such other provision as general orders shall direct.

11. On the trial of any Admiralty cause subsisting in the Liverpool district registry, before the registrar of such district, it shall be lawful for such registrar, if he shall think fit, and he shall, upon the request of either party, summon to his assistance, in such manner as general orders shall direct, two nautical assessors, and such nautical assessors shall attend and assist accordingly. Power to registrar to summon nautical assessors.

12. The Liverpool district registrar shall from time to time frame a list of persons of nautical skill and experience, residing or having places of business within the district, to act as assessors in that district, to be approved by the judge, before whom the same shall be laid by the Liverpool district registrar, and without whose approval it shall have no validity, and shall cause the list, when so approved, to be published in the *London Gazette* and in at least one Liverpool newspaper. List of persons qualified to act as nautical assessors to be published in "London Gazette."

13. Any party to a suit or to an appeal, at any stage of such suit or appeal, may, by the leave of the Court and subject to such terms as to costs or otherwise as the Court may direct, remove any such suit instituted or any such appeal pending in the principal registry to the Liverpool district registry, and any suit instituted or appeal pending in the Liverpool district registry to the principal registry. Removal of suits or appeal.

14. A scale of costs and charges in Admiralty causes in the Liverpool district registry, and of fees to be taken in the Liverpool district registry, shall be prescribed by general orders (g). Scale of costs to be prescribed.

15. All fees received in the Liverpool district registry shall be applied in the first instance in the payment of such office expenses and salaries of the clerks employed therein, and in payment to the registrar of such remuneration in lieu of salary as may be determined by general orders; and all such fees shall be accounted for by the Liverpool district registrar, and the surplus, if any, paid over by him to the Commissioners of her Majesty's Treasury at such period and in such manner as the Commissioners may direct. Application of fees.

(g) See *Regulæ Generales*, L. R., 3 A. & E. 619; and Rules of the Supreme Court (Costs).

General orders for regulating practice, &c. to be made.

16. General orders shall be from time to time made under this act for the purposes in this act directed, and for regulating the practice and procedure in the Liverpool district registry, the duties of the registrar and officers thereof, and the fees to be taken therein (i).

By whom to be made.

17. General orders under this act shall be made by the judge of the High Court of Admiralty of England, subject to the approval of her Majesty's Treasury, in all matters relating to the number of officers of or persons employed in the Liverpool district registry, their salaries or emoluments, and to the scale of fees to be taken at the said registry.

If salaries paid by Parliament, fees shall be collected by stamps.

18. If at any time such salaries or emoluments are paid out of moneys provided by Parliament, the Lord Chancellor and the said Commissioners may direct that the fees shall be collected by means of stamps, under the provisions of the Public Offices Fees Act, 1866.

Act not to abridge power of registrar of High Court of Admiralty.

19. Nothing in this act contained shall in any way abridge or lessen the power of the registrar of the High Court of Admiralty in England within the district of the Liverpool registry.

The 33 & 34 Vict. c. 50, entitled "An Act to amend the Shipping Dues Exemption Act, 1867," and relating to the compensation to be paid under that act, it is considered unnecessary to set out.

The 33 & 34 Vict. c. 90, which is entitled "An Act to regulate the conduct of Her Majesty's Subjects during the existence of Hostilities between Foreign States with which Her Majesty is at Peace," it is considered unnecessary to set out.

33 & 34 VICT. c. 95.

An Act to authorise the Carriage of Naval and Military Stores in Passenger Ships. [9th August, 1870.]

18 & 19 Vict.
c. 119, s. 29.

WHEREAS by section twenty-nine of the Passengers Act, 1855, it is enacted that "no passenger ship shall clear out or proceed to sea if there shall be on board as cargo, horses, cattle, gunpowder, vitriol, lucifer matches, guano, or green hides, nor if there shall be on board any other article or number of articles, whether as cargo or ballast, which, by reason of the nature or quantity or mode of stowage thereof, shall, either singly or collectively, be deemed by the emigration officer at the port of clearance likely to endanger the health or lives of the passengers, or the safety of the ship:"

And whereas it is expedient that any of her Majesty's principal secretaries of state should be empowered to authorise the carriage in passenger ships of naval and military stores whenever requisite for the public service:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

(i) See *Regulæ Generales*, L. R., 3 A. & E. 619; and Rules of the Supreme Court.

1. This act may be cited as "The Passengers Act Amendment Act, Short title. 1870."

2. This act shall be construed as one with the Passengers Act, 1855, (in Construction this act referred to as the principal act,) and the Passengers Act Amend- of act. ment Act, 1863.

3. Any one of her Majesty's principal secretaries of state may, by order under his hand, authorise the carriage as cargo in any passenger ship, (subject to such conditions and directions as may be specified in the order) of naval and military stores for the public service, and such stores may, notwithstanding anything contained in the principal act, be carried accordingly in such passenger ship. Authority by secretary of state to carry naval and military stores in passenger ships.

Such order shall be addressed to the emigration officer or person performing the duties of emigration officer at the port of clearance, and shall be by him countersigned, and delivered to the master of the passenger ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged.

The master shall comply with all the conditions and directions specified in the order, and non-compliance therewith shall be deemed non-compliance with the requirements of the said section twenty-nine of the principal act.

34 & 35 VICT. c. 101.

An Act to amend the Law respecting the proving and sale of Chain Cables and Anchors. [21st August, 1871.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act shall be construed as one with the act of the session of the twenty-seventh and twenty-eighth years of the reign of her present Majesty, chapter twenty-seven, intituled "An Act for regulating the proving and sale of Chain Cables and Anchors" (in this act referred to as the principal act); and that act and this act may be cited as "The Chain Cable and Anchor Acts, 1864 and 1871," and each of them may be cited as the Chain Cable and Anchor Act of the year in which it was passed. Act to be construed with 27 & 28 Vict. c. 27. Short title.

2. This act shall come into operation on the first day of July one thousand eight hundred and seventy-two, which day is hereinafter referred to as the commencement of this act (k). Commence- ment of act.

3. After the commencement of this act the Board of Trade shall not grant originally or by way of renewal to any corporation, public body, company, person or persons, except the corporations and public bodies mentioned in the first schedule to this act, or authorised in that behalf as hereinafter mentioned, any licence under the principal act for the testing of chain cables and anchors. Limitation of corporations entitled to test cables and anchors.

It shall be lawful for her Majesty, by order in council, from time to time to direct that licences may be granted to any public body or corporation other than those mentioned in the said first schedule, and also that

(k) The coming into operation of this act was postponed to January 1, 1873, by the 35 & 36 Vict. c. 30; and by the same act the 27 & 28 Vict. c. 27 was continued to that date.

licences may be granted to the public bodies and corporations named in the said schedule in respect of machines other than those specified therein, and also to revoke or alter any order previously made; and so long as any such order remains in force licences may be granted accordingly.

Advances by
Public Works
Loan Commis-
sioners.

4. The establishment, purchase, or construction of a testing machine by any of the corporations, bodies, or persons authorized to receive a licence under this act shall be a shipping purpose for which the Public Works Loan Commissioners may advance money under the authority and subject to the regulations of the Harbours and Passing Tolls Act, 1861(*l*).

Mode of
testing chain
cables.

5. Where any chain cable is brought to a tester for the purpose of being proved, he shall test every fifteen fathoms of it in the manner following; that is to say,

- (1.) He shall select and cut out a piece of three links from every such fifteen fathoms, and shall test that piece by subjecting it to the appropriate breaking strain mentioned in the second schedule to this act(*m*):
- (2.) If the piece so selected fail to withstand such breaking strain he shall select and cut out another piece of three links from the same fifteen fathoms, and shall test such piece in like manner:
- (3.) If the first or second of such pieces of any fifteen fathoms of cable withstand the breaking strain, he shall then but not otherwise test the remaining portion of that fifteen fathoms of cable by subjecting the same to the tensile strain mentioned in the principal act:
- (4.) He shall not stamp a chain cable as proved which has not been subjected to the breaking and tensile strains in accordance with the provisions of this section, or has not withstood the same.

6. *It shall be lawful for her Majesty from time to time to alter the tensile strain or the breaking strain to which, under the principal act and this act, chain cables and machines are to be subjected by the tester, and to revoke and alter any such order previously made. Before any such alteration is made the Board of Trade shall give six months' notice thereof, by advertisement in the "Gazette" or in such other way as they may think best for making the same known to the parties interested*(*n*).

Sale of un-
proved chain
cables and
anchors pro-
hibited.

7. After the commencement of this act a maker of or dealer in chain cables or anchors shall not sell, consign, or contract to sell or consign, nor shall any person purchase or contract to purchase any chain cable whatever, or any anchor exceeding in weight one hundred and sixty-eight pounds, which has not been previously tested and duly stamped in accordance with the provisions of the principal act and this act, unless the same is sold, contracted for, consigned, and purchased as and for old iron.

Every person who acts in contravention of this section shall be liable, on summary conviction before two justices of the peace, or in Scotland before any sheriff or sheriff substitute, to a penalty not exceeding fifty pounds.

Provided that chain cables and anchors tested and stamped before the first day of July one thousand eight hundred and seventy-two may, if accompanied by a certificate issued under section ten of the principal act, continue to be sold until the first day of July one thousand eight hundred and seventy-four, although they may not have been subjected to the breaking strain required by this act.

Public bodies
to purchase
licensed test-
ing machines.

8. Each of the public bodies and corporations mentioned in the first schedule to this act, before constructing or establishing any new testing machine at any place where a testing machine is in operation under a

(*l*) See the 24 & 25 Vict. c. 47, s. 3.

(*m*) See the Chain Cables and Anchors Act, 1874 (37 & 38 Vict. c. 51), ss. 6, 7.

(*n*) This section is repealed by the Chain Cables and Anchors Act, 1874 (37 & 38 Vict. c. 51), s. 6, which substitutes other provisions in lieu thereof.

licence from the Board of Trade shall, if required by the owners of such last-mentioned testing machine, purchase the same from them, and if any difference arises as to the price it shall be determined by a valuer to be appointed by the Board of Trade.

9. After the commencement of this act, the principal act shall be repealed to the extent specified in the third column of the third schedule to this act: Provided that this repeal shall not affect anything done or suffered before the commencement of this act, or any offence or liability incurred before the commencement of this act, or any investigation or legal proceeding in respect of any such thing, offence, or liability.

Repeal of part
of 27 & 28 Vict.
c. 27.

10. If any person uses or suffers to be used as a duly licensed testing machine any testing machine for which no licence is for the time being in force, or if any person writes out, signs, or delivers or sends to any person any document purporting to be a certificate that any chain cable or anchor has been tested or stamped under the provisions of this act, when such chain cable or anchor has not been so tested or stamped, every such person shall incur a penalty not exceeding one hundred pounds.

Penalty for
using unli-
censed testing
machines.

11. The principal act as amended by this act shall be perpetual.

Continuance
of act.

FIRST SCHEDULE.

CORPORATIONS and PUBLIC BODIES to whom LICENCES to TEST CHAIN CABLES and ANCHORS may be granted.

The Committee of Lloyd's Register of British and Foreign Shipping for machines at London, Bristol, Tipton, Netherton, Saltney, Monkwearmouth, Sunderland, and Low Walker, or elsewhere.

The Committee of the Liverpool Underwriters Association for machines at Liverpool.

The Mersey Docks and Harbour Board for machines at Liverpool and Birkenhead, or at any other place on the Mersey.

The Tyne Improvement Commissioners for machines at Low Walker, or any other place on the Tyne.

The River Wear Commissioners for machines at Sunderland and Monkwearmouth.

The Clyde Navigation Trust for machines at Glasgow, or at any other place on the Clyde within the jurisdiction of the Trust; the Municipal Corporation of Glasgow for machines at Glasgow.

The Mayor, Aldermen, and Burgesses of Bristol for machines at Bristol.

The Undertakers under the Bute Docks Act, 1865, and the Bute Docks Act, 1866, for machines at Cardiff.

The Trustees of the Port and Harbour of Greenock for machines at Greenock.

The Mayor, Aldermen, and Burgesses of Kingston-upon-Hull for machines at Hull.

The Tees Conservancy Commissioners for machines at Stockton and Middlesbrough, or elsewhere upon the Tees.

The Trustees of Swansea Harbour for machines at Swansea.

SECOND SCHEDULE.

The appropriate breaking strain for chain cables shall be as follows (o) :

Where the tensile strain to which the cable is to be subjected is—	It shall be subjected to a breaking strain of—	Where the tensile strain to which the cable is to be subjected is—	It shall be subjected to a breaking strain of—
Tons.	Tons.	Tons.	Tons.
136 $\frac{1}{2}$	190·5	28 $\frac{1}{2}$	42
112 $\frac{1}{2}$	157·5	23 $\frac{1}{2}$	35·5
101 $\frac{1}{2}$	141·9	18	27
91 $\frac{1}{2}$	127·5	13 $\frac{1}{2}$	20·5
81 $\frac{1}{2}$	113·7	10 $\frac{1}{2}$	15
72	100·8	8 $\frac{1}{2}$	12·75
63 $\frac{1}{2}$	88·5	7	10·5
55 $\frac{1}{2}$	77	5 $\frac{1}{2}$	8·25
47 $\frac{1}{2}$	66·5	4 $\frac{1}{2}$	6·75
40 $\frac{1}{2}$	60·75	3 $\frac{1}{2}$	5·25
34	51		

THIRD SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
27 & 28 Vict. c. 27..	An Act for regulating the proving and sale of Chain Cables and Anchors.	Sections one and two, so far as they relate to any corporation or public body not mentioned in the first schedule to this act; and sections eleven and fifteen.

34 & 35 VICT. c. 110.

An Act to amend the Merchant Shipping Acts.

[21st August, 1871.]

WHEREAS it is expedient to amend the Merchant Shipping Acts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

- Short title. 1. This act may be cited as "The Merchant Shipping Act, 1871."
- Act to be construed with Merchant Shipping Acts. 2. This act shall be construed as one with the Merchant Shipping Act, 1854, and the acts amending the same, and the said acts and this act may be cited collectively as the Merchant Shipping Acts, 1854 to 1871.
- Commencement of act. 3. This act shall come into operation on the first day of January one thousand eight hundred and seventy-two.

Registry (Part II. of Merchant Shipping Act, 1854).

[Section 4 is repealed by the Merchant Shipping Act, 1873, s. 33 (p).]

- Ship's draught of water to be recorded. 5. The Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the

(o) See *post*, "Orders in Council"; the Chain Cables and Anchors Act, 1874 (37 & 38 Vict. c. 51), s. 6; and the notice of January 1, 1875, issued by the Board of Trade under that section,

and set out *post*, "Forms," No. 44.

(p) For the enactment substituted for this section, see the M. S. Act, 1873, s. 3.

purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water (*g*) of any sea-going ship, as shown on the scale of feet on her stem and on her stern post, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same, or a copy thereof, to the Board of Trade; and such record, or any copy thereof, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official log-book (*r*) (if any), and shall produce such record to any principal officer of customs whenever required by him so to do, or in default of such production shall incur a penalty not exceeding twenty pounds.

6. With respect to the names of British ships, the following rules shall be observed :

Rules to be observed in naming of ships.

- (1.) A ship shall not be described by any name other than that by which she is for the time being registered :
- (2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their secretaries or assistant secretaries. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern (*s*) :
- (3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly :
- (4.) Where a ship having once been registered has ceased to be so registered no person, unless ignorant of such previous registry (proof whereof shall lie on him), shall apply to register, and no registrar shall knowingly register, such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid.

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do, anything required by this section, shall for each offence incur a penalty not exceeding one hundred pounds, and any principal officer of customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit (*t*).

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

7. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one fourth of the seamen belonging to such ship, or, if the number of such seamen exceed twenty, by not less than five such seamen, that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other

Survey of ships alleged by seamen to be unseaworthy.

(*g*) See the M. S. Act, 1873, s. 4.

(*s*) See the M. S. Act, 1873, s. 3.

(*r*) See *post*, "Forms," No. 43.

(*t*) *Ib.* s. 5.

reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the Court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the Court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed (*u*).

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification (*x*).

For the purposes of this section, the Court shall require any of the surveyors appointed by the Board of Trade, under the Merchant Shipping Act, 1854, or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the Court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the Court, and having no interest in the ship, her freight, or cargo, to survey (*y*) the ship, and to answer any question concerning her which the Court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the Court, including an answer to every question put to him by the Court. The Court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the Court that the opinions expressed in such report are erroneous, the Court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under the Merchant Shipping Act, 1854 (*z*).

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund (*a*).

If it is proved to the satisfaction of the Court that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to such person or persons, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the costs of the survey shall be paid to the Board of Trade by the master or owner (*b*).

Power for
naval courts to
direct survey
of ships.

8. Any naval court may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers as if the survey had been directed by a competent Court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence.

(*u*) See the M. S. Act, 1876, ss. 6—13.

(*x*) *Ib.* ss. 4, 5.

(*y*) See the M. S. Act, 1872, s. 13.

(*z*) See the M. S. Act, 1864, s. 15.

(*a*) See the M. S. Act, 1872, s. 15;

the M. S. Act, 1876, s. 39; and *post*, "General Table of Fees charged under the authority of the Board of Trade."

(*b*) See the M. S. Act, 1873, s. 9, and the M. S. Act, 1876, s. 11.

*Safety (Part IV. of Merchant Shipping Act, 1854).**[Section 9 is repealed by the Merchant Shipping Act, 1873, s. 33 (c).]**[Section 10 is repealed by the Merchant Shipping Act, 1873, s. 33 (d).]**[Section 11 is repealed by the Merchant Shipping Act, 1873, s. 45 (e).]*

12. On and after the first day of January, one thousand eight hundred and seventy-two, the twenty-fifth and thirty-fourth sections of the Merchant Shipping Act, 1854, and the thirteenth section of the Merchant Shipping Act Amendment Act, 1855, shall be repealed.

Repeal of certain sections of 17 & 18 Vict. c. 104, and 18 & 19 Vict. c. 91.

35 & 36 VICT. c. 73.

An Act to amend the Merchant Shipping Acts and the Passenger Acts. [10th August, 1872.]

WHEREAS it is expedient to amend the Merchant Shipping Acts and the Passengers Acts: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This act may be cited as "The Merchant Shipping Act, 1872." Short title.
2. This act shall come into operation on the first day of January one thousand eight hundred and seventy-three. Commencement of act.

Measurement of Ships.

3. The twenty-third, twenty-seventh, twenty-eighth, and twenty-ninth sections of the Merchant Shipping Act, 1854, the fourteenth section of the Merchant Shipping Act Amendment Act, 1855, and the fourth section of the Merchant Shipping Act, 1871 (f), shall be read and construed as if the Board of Trade were therein named instead of the Commissioners of Customs.

Transfer to Board of Trade of duties of Commissioners of Customs with respect to measurement of ships.

Registry.

4. The forty-sixth, fifty-fourth, ninety-second, and ninety-fourth sections of the Merchant Shipping Act, 1854, shall be read and construed as if the registrar general of seamen were therein named instead of the Commissioners of Customs, and the returns required to be transmitted by the said ninety-fourth section of the Merchant Shipping Act, 1854, shall be transmitted to the registrar general of seamen, and not to the Custom House in London, and the registrar general of seamen shall be called the registrar general of shipping and seamen.

Transfer to registrar-general of seamen of duties of Commissioners of Customs with respect to registry of ships.

Passenger Ships.

5. The sixth and seventh sections of the Passengers Act, 1855, except so much of the latter section as provides for the immunity of emigration officers, shall be repealed, and all powers and duties vested in or imposed on the Emigration Commissioners by the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863, shall be transferred to and imposed on the Board of Trade (g).

Transfer to Board of Trade of powers and duties of Emigration Commissioners.

(e) For the enactment substituted for the repealed section, see the M. S. Act, 1873, s. 16.

(d) For the enactments substituted for the repealed section, see the M. S. Act, 1876, ss. 6—12.

(e) For the enactment substituted

for the repealed section, see the M. S. Act, 1876, s. 4.

(f) Section 4 of the M. S. Act, 1871, is repealed by the M. S. Act, 1873, s. 33.

(g) See the M. S. Act, 1876, s. 20.

In the construction and for the purposes of the said acts, the name of the Board of Trade shall be deemed to be substituted for the name of the Emigration Commissioners, and anything which might, if this act had not passed, have been done by the Emigration Commissioners, whether acting independently or under the sanction or authority of one of her Majesty's principal secretaries of state, may be done by the Board of Trade independently of such sanction or authority.

Extension of penalties for offences connected with applications for assistance in emigration.

6. The provisions contained in the eighty-third section of the Passengers Act, 1855, shall extend to any forms of application or other papers issued by or under the authority of one of her Majesty's principal secretaries of state, for the use of persons desirous of emigrating by his assistance, and to any certificate, document, or statement adduced in support of any application to such secretary for such assistance.

Transfer to Board of Trade of certain powers of secretary of state under Passengers Act.

7. The powers conferred by the thirteenth section of the Passengers Act Amendment Act, 1863, on one of her Majesty's principal secretaries of state, shall be transferred to the Board of Trade.

Annual Survey of Passenger Steamers.

Passenger steamers to be surveyed once in every year, according to 17 & 18 Vict. c. 104.

8. The three hundred and fourth section of the Merchant Shipping Act, 1854, shall be repealed, and every passenger steamer (*h*) shall be surveyed once at the least in every year in the manner mentioned in the fourth part of that act. The fees to be charged for certificates issued in respect of such survey shall not exceed for a yearly certificate twice the sum named in the table marked T. in the schedule to the said act as chargeable for a six months' certificate (*i*).

Pilotage.

Trinity House may modify rule as to pilotage rates.

9. Notwithstanding anything in the three hundred and fifty-eighth section of the Merchant Shipping Act, 1854, the Trinity House may, by byelaw made with the sanction of her Majesty in council, repeal or relax the provisions of that section within the whole or any part of their district so far as to allow any pilot or class of pilots under their jurisdiction to demand or receive and any master to offer or pay any rate less than the rate for the time being demandable by law (*k*).

[Section 10 alters the payments made to the Trinity House Pilotage Fund by Cinque Port pilots.]

Pilotage authority may grant special sea licences.

11. Any pilotage authority may, if authorised in that behalf by order in council, grant special licences qualifying the persons to whom they are granted to act as pilots for any part of the sea or channels beyond the limits of any pilotage authority, so, however, that no pilot so licensed be entitled to supersede an unlicensed pilot outside the limits of the authority by which he is licensed (*k*).

[Section 12 is repealed by the Chain Cables and Anchors Act, 1874 (37 & 38 Vict. c. 51) s. 8.]

General.

Duties of surveyors.

13. All duties in relation to the survey and measurement of ships under this act or the acts amended hereby shall be performed by the surveyors appointed under the fourth part of the Merchant Shipping Act, 1854, in accordance with such regulations as may be from time to time made by the Board of Trade.

[Section 14 is repealed by the M. S. Act, 1876, s. 45 (*l*).]

(*h*) See the M. S. Act, 1876, s. 16.

(*k*) See *post*, "Orders in Council."

(*i*) See sect. 15; the M. S. Act, 1876, s. 39; and *post*, "General Table of Fees charged under the authority of the Board of Trade."

(*l*) For the enactment substituted for the repealed section, see the M. S. Act, 1876, s. 39.

15. If any surveyor, or any person employed under the authority of the Passengers Act, 1855, demands or receives directly or indirectly otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any of the duties performed by him under this act or the acts amended hereby, he shall for every such offence incur a penalty not exceeding fifty pounds.

Penalty on surveyor, &c. receiving gratuity, &c. for duties performed under this act.

16. The owner of home trade ships or his agent may enter into time agreements, in forms to be sanctioned by the Board of Trade, with individual seamen to serve in any one or more ships belonging to him, which agreements need not expire on either the thirtieth day of June or the thirty-first day of December, anything in the Merchant Shipping Act to the contrary notwithstanding; Provided always, that a duplicate of each agreement entered into under the provisions of the section be forwarded to the registrar general of shipping within forty-eight hours after it has been entered into.

Owner or agent of home trade ships may enter into time agreements which need not expire half-yearly.

17. It shall be lawful for her Majesty to accept from time to time the offers of any person whom the Lord High Admiral or the commissioners for executing his office may recommend, to serve as officers of reserve in the Royal Navy, upon such terms and conditions as to her Majesty may from time to time seem fit, and the Officers of the Royal Naval Reserve Act, 1863 (*m*), shall be read and construed as if this clause formed part of the said act.

Her Majesty may accept offers of persons recommended by the Admiralty to serve as officers of the Royal Naval Reserve.

36 & 37 VICT. c. 85.

An Act to amend the Merchant Shipping Acts. [5th August, 1873.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This act may be cited as "The Merchant Shipping Act, 1873."
2. This act shall be construed as one with the Merchant Shipping Act, 1854, and the acts amending the same, and the said acts and this act may be cited collectively as the Merchant Shipping Acts, 1854 to 1873.

Short title.

Construction of act.

Registry (Part II. of Merchant Shipping Act, 1854).

3. Every British ship registered after the passing of this act shall before registry, and every British ship registered before the passing of this act shall, on or before the first day of January one thousand eight hundred and seventy-four, be permanently and conspicuously marked (*n*) to the satisfaction of the Board of Trade, as follows:

Particulars to be marked on British ships.

Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth:

Her official number and the number denoting her registered tonnage shall be cut in on her main beam:

A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby.

Such letters or figures shall be marked by being cut in and painted

(*m*) 26 & 27 Vict. c. 69.

ss. 174, 175; and the M. S. Act, 1876,

(*n*) See the Customs Laws Consolidation Act, 1876 (39 & 40 Vict. c. 36),

ss. 25—28.

In the construction and for the purposes of the said acts, the name of the Board of Trade shall be deemed to be substituted for the name of the Emigration Commissioners, and anything which might, if this act had not passed, have been done by the Emigration Commissioners, whether acting independently or under the sanction or authority of one of her Majesty's principal secretaries of state, may be done by the Board of Trade independently of such sanction or authority.

Extension of penalties for offences connected with applications for assistance in emigration.

6. The provisions contained in the eighty-third section of the Passengers Act, 1855, shall extend to any forms of application or other papers issued by or under the authority of one of her Majesty's principal secretaries of state, for the use of persons desirous of emigrating by his assistance, and to any certificate, document, or statement adduced in support of any application to such secretary for such assistance.

Transfer to Board of Trade of certain powers of secretary of state under Passengers Act.

7. The powers conferred by the thirteenth section of the Passengers Act Amendment Act, 1863, on one of her Majesty's principal secretaries of state, shall be transferred to the Board of Trade.

Annual Survey of Passenger Steamers.

Passenger steamers to be surveyed once in every year, according to 17 & 18 Vict. c. 104.

8. The three hundred and fourth section of the Merchant Shipping Act, 1854, shall be repealed, and every passenger steamer (*h*) shall be surveyed once at the least in every year in the manner mentioned in the fourth part of that act. The fees to be charged for certificates issued in respect of such survey shall not exceed for a yearly certificate twice the sum named in the table marked T. in the schedule to the said act as chargeable for a six months' certificate (*i*).

Pilotage.

Trinity House may modify rule as to pilotage rates.

9. Notwithstanding anything in the three hundred and fifty-eighth section of the Merchant Shipping Act, 1854, the Trinity House may, by byelaw made with the sanction of her Majesty in council, repeal or relax the provisions of that section within the whole or any part of their district so far as to allow any pilot or class of pilots under their jurisdiction to demand or receive and any master to offer or pay any rate less than the rate for the time being demandable by law (*k*).

[Section 10 alters the payments made to the Trinity House Pilotage Fund by Cinque Port pilots.]

Pilotage authority may grant special sea licences.

11. Any pilotage authority may, if authorised in that behalf by order in council, grant special licences qualifying the persons to whom they are granted to act as pilots for any part of the sea or channels beyond the limits of any pilotage authority, so, however, that no pilot so licensed be entitled to supersede an unlicensed pilot outside the limits of the authority by which he is licensed (*l*).

[Section 12 is repealed by the Chain Cables and Anchors Act, 1874 (37 & 38 Vict. c. 51) s. 8.]

General.

Duties of surveyors.

13. All duties in relation to the survey and measurement of ships under this act or the acts amended hereby shall be performed by the surveyors appointed under the fourth part of the Merchant Shipping Act, 1854, in accordance with such regulations as may be from time to time made by the Board of Trade.

[Section 14 is repealed by the M. S. Act, 1876, s. 45 (*l*).]

(*h*) See the M. S. Act, 1876, s. 16.

(*k*) See *post*, "Orders in Council."

(*i*) See sect. 15; the M. S. Act, 1876, s. 39; and *post*, "General Table of Fees charged under the authority of the Board of Trade."

(*l*) For the enactment substituted for the repealed section, see the M. S. Act, 1876, s. 39.

15. If any surveyor, or any person employed under the authority of the Passengers Act, 1855, demands or receives directly or indirectly otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any of the duties performed by him under this act or the acts amended hereby, he shall for every such offence incur a penalty not exceeding fifty pounds.

Penalty on surveyor, &c. receiving gratuity, &c. for duties performed under this act.

16. The owner of home trade ships or his agent may enter into time agreements, in forms to be sanctioned by the Board of Trade, with individual seamen to serve in any one or more ships belonging to him, which agreements need not expire on either the thirtieth day of June or the thirty-first day of December, anything in the Merchant Shipping Act to the contrary notwithstanding; Provided always, that a duplicate of each agreement entered into under the provisions of the section be forwarded to the registrar general of shipping within forty-eight hours after it has been entered into.

Owner or agent of home trade ships may enter into time agreements which need not expire half-yearly.

17. It shall be lawful for her Majesty to accept from time to time the offers of any person whom the Lord High Admiral or the commissioners for executing his office may recommend, to serve as officers of reserve in the Royal Navy, upon such terms and conditions as to her Majesty may from time to time seem fit, and the Officers of the Royal Naval Reserve Act, 1863 (*m*), shall be read and construed as if this clause formed part of the said act.

Her Majesty may accept offers of persons recommended by the Admiralty to serve as officers of the Royal Naval Reserve.

36 & 37 VICT. c. 85.

An Act to amend the Merchant Shipping Acts. [5th August, 1873.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This act may be cited as "The Merchant Shipping Act, 1873."
2. This act shall be construed as one with the Merchant Shipping Act, 1854, and the acts amending the same, and the said acts and this act may be cited collectively as the Merchant Shipping Acts, 1854 to 1873.

Short title.

Construction of act.

Registry (Part II. of Merchant Shipping Act, 1854).

3. Every British ship registered after the passing of this act shall before registry, and every British ship registered before the passing of this act shall, on or before the first day of January one thousand eight hundred and seventy-four, be permanently and conspicuously marked (*n*) to the satisfaction of the Board of Trade, as follows:

Particulars to be marked on British ships.

Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth:

Her official number and the number denoting her registered tonnage shall be cut in on her main beam:

A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby.

Such letters or figures shall be marked by being cut in and painted

(*m*) 26 & 27 Vict. c. 69.

ss. 174, 175; and the M. S. Act, 1876,

(*n*) See the Customs Laws Consolidation Act, 1876 (39 & 40 Vict. c. 36),

ss. 25—28.

white or yellow on a dark ground, or in such other way as the Board of Trade may from time to time approve.

The Board of Trade may, however, exempt any class of ships from the requirements of this section or any of them (o).

If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1873.

Any owner or master of a British ship who neglects to cause his ship to be marked as aforesaid, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds, and any officer of customs on receipt of a certificate from a surveyor or inspector of the Board of Trade that a ship is insufficiently or inaccurately marked may detain the same until the insufficiency or inaccuracy has been remedied (p).

Provided that no fishing vessel duly registered, lettered and numbered in pursuance of the Sea Fisheries Act, 1868 (q), shall be required to have her name and port of registry marked under this section.

Provided also, that if any registered British ship is not within a port of the United Kingdom at any time before the first day of January one thousand eight hundred and seventy-four, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

Particulars to be entered in record of draught of water.

4. The record of the draught of water of any sea-going ship required under section five of the Merchant Shipping Act, 1871, shall, in addition to the particulars thereby required, specify the extent of her clear side in feet and inches.

The term "clear side" means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

Every master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit such person to enter the ship and to make such inspections and take such measurements as may be requisite for the purpose of such record, and any master who fails so to do, or impedes or suffers anyone under his control to impede

(o) "Pleasure yachts, barges (other than sailing barges), pilot vessels, and vessels employed solely in river navigation, are to be exempted from the requirements of having the name marked on each of the bows, and of having a scale of feet marked on the stem and stern post; but in these vessels the other requirements of the law are to be observed, viz. those that require the name and port of registry to be marked on the stern, and the official number and the number denoting the tonnage to be marked on the main beam, except in the case of yachts used for pleasure only, which, on special application in each case from the owner to the Board, may be exempted from the observance of the regulations which require the

name and port of registry to be marked on the stern upon proof to the Board's satisfaction that the owner is entitled to the privilege asked for.

Yachts of the following clubs and pilot vessels have been exempted from the provisions of having the name and port of registry marked on the stern, namely"—[Here follows a list of the principal Royal Yacht Clubs of Great Britain and Ireland.]—*Extract from Board of Trade Instructions as to Marking of Ships.*

(p) See post, "General Table of Fees charged under the authority of the Board of Trade."

(q) See the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45), ss. 22, 23.

any person so appointed in the execution of his duty, shall for each offence incur a penalty not exceeding five pounds.

5. Where a foreign ship, not having at any previous time been registered as a British ship, becomes a British ship, no person shall apply to register, and no registrar shall knowingly register such ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the permission of the Board of Trade granted in manner directed by section six of the Merchant Shipping Act, 1871.

Rules as to names of foreign ships placed on British register.

Any person who acts or suffers any person under his control to act in contravention of this section shall for each offence incur a penalty not exceeding one hundred pounds.

6. Where a ship has ceased to be registered as a British ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy, or transfer to a person not qualified to own a British ship, such ship shall not be re-registered until she has, at the expense of the applicant for registration (r), been surveyed by one of the surveyors appointed by the Board of Trade and certified by him to be seaworthy.

Restrictions on re-registration of abandoned ships.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

7. Any agreement with a seaman made under section one hundred and forty-nine of the Merchant Shipping Act, 1854, may, instead of stating the nature and duration of the intended voyage or engagement as by that section required, state the maximum period of the voyage or engagement, and the places or parts of the world (if any) to which the voyage or engagement is not to extend.

Agreements with seamen.

8. The owner or master of any British vessel engaged in fishing off the coast of the United Kingdom may enter into an agreement with any person employed on such vessel that such person shall be remunerated wholly by a share in the profit of the fishing adventure (s).

Agreements with fishermen.

Every such agreement shall be in writing or in print, or partly in writing and partly in print, and shall be signed by the contracting parties in the presence of a superintendent or deputy superintendent of a mercantile marine office.

The superintendent or deputy superintendent shall, before such agreement is signed, read and (if necessary) explain the same to the contracting parties, and shall attest the signature of the agreement, and certify that it has been read to and agreed to by the contracting parties.

Any such agreement, if made in the manner by this section required, shall be valid and binding on all the contracting parties, notwithstanding anything contained in section one hundred and eighty-two of the Merchant Shipping Act, 1854.

9. If a seaman or apprentice belonging to any ship is detained on a charge of desertion or any kindred offence, and if upon a survey of the ship being made under section seven of the Merchant Shipping Act, 1871, it is proved that she is not in a fit condition to proceed to sea, or that her accommodation is insufficient, the owner or master of the ship shall be liable to pay to such seaman or apprentice such compensation for his detention as the Court having cognizance of the proceedings may award.

Compensation to seamen for unnecessary detention on charge of desertion.

10. In any case where the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may, if they think fit, instead of conducting such business at a custom

Power for Board of Trade to establish mer-

(r) See *post*, "General Table of Fees charged under the authority of the Board of Trade."

(s) See the Fisheries (Ireland) Act, 1869 (32 & 33 Vict. c. 92), s. 12.

cantile marine offices and to hold examinations at certain ports.

house or otherwise, establish a mercantile marine office, and for that purpose procure the requisite buildings and property, and from time to time appoint and remove all the requisite superintendents, deputies, clerks, and servants. They may also in the like case make all such provisions and exercise all such powers with respect to the holding of examinations for the purpose of granting certificates of competency as masters, mates, or engineers, to persons desirous of obtaining the same, as might have been made or exercised by a local marine board.

[Section 11 is repealed by the *M. S. Act*, 1876, s. 45.]

Safety and Prevention of Accidents (Part IV. of Merchant Shipping Act, 1854).

[Sections 12 to 14 are repealed by the *M. S. Act*, 1876, s. 45 (f).]

Power for Board of Trade to vary requirements as to boats.

15. In the case of any ship surveyed under the fourth part of the Merchant Shipping Act, 1854, the Board of Trade may at the request of the owner authorise the reduction of the number and the variation of the dimensions of the boats required for the ship by section two hundred and ninety-two of that act, and also the substitution of rafts or other appliances for saving life for any such boats, so nevertheless that the boats so reduced or varied and the rafts or other appliances so substituted be sufficient for the persons carried on board the ship (u).

Section two hundred and ninety-three of the said act shall extend to any such rafts or appliances in the same manner as if they were boats.

Duties of masters in case of collision.

16. In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any), such assistance as may be practicable, and as may be necessary in order to save them from any danger caused by the collision; and also to give to the master or person in charge of the other vessel the name of his own vessel, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports and places from which and to which she is bound.

If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Every master or person in charge of a British vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid shall be deemed guilty of a misdemeanor, and if he is a certificated officer an inquiry into his conduct may be held and his certificate may be cancelled or suspended.

Liability for infringement of regulations in cases of collision.

17. If in any case of collision it is proved to the Court before which the case is tried that any of the regulations for preventing collision contained in or made under the Merchant Shipping Acts, 1854 to 1873, has been infringed (x), the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the Court that the circumstances of the case made departure from the regulation necessary.

(f) For the enactments substituted for the repealed sections, see the *M. S. Act*, 1876, ss. 6—12.

(u) See *post*, "Forms," No. 42.

(x) See *The Magnet*, *The Duke of Sutherland*, and *The Fanny M. Carrill*, L. R., 4 A. & E. 417; 44 L. J., Adm. 34: *The Englishman*, 3 P. D. 18.

18. The signals specified in the first schedule to this act shall be deemed to be signals of distress (y). Signals of distress.

Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the said signals, except in the case of a vessel being in distress, shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of such signal having been supposed to be a signal of distress, and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

19. If a vessel requires the services of a pilot, the signals to be used and displayed shall be those specified in the second schedule to this act. Signals for pilots.

Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the said signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, shall incur a penalty not exceeding twenty pounds.

20. Her Majesty may from time to time by order in council repeal or alter the rules as to signals contained in the schedules to this act, or make new rules in addition thereto, or in substitution therefore, and any alterations in or additions to such rules made in manner aforesaid shall be of the same force as the rules in the said schedules. Power to alter rules as to signals.

21. Any shipowner who is desirous of using, for the purposes of a private code, any rockets, lights, or other similar signals, may register such signals with the Board of Trade, and the Board shall give public notice of the signals so registered in such manner as they may think requisite for preventing such signals from being mistaken for signals of distress or signals for pilots. Private signals.

The Board may refuse to register any signals which in their opinion cannot easily be distinguished from signals of distress or signals for pilots.

When any signal has been so registered the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not subject any person to any of the penalties or liabilities by this act imposed upon persons using or displaying signals improperly (z).

22. If the managing owner, or, in the event of there being no managing owner, the ship's husband, of any British ship have reason, owing to the nonappearance of such ship, or to any other circumstance, to apprehend that such ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of such loss and of the probable occasion thereof, stating the name of the ship and her official number (if any), and the port to which she belongs, and if he neglect to do so within a reasonable time he shall incur a penalty not exceeding fifty pounds. Notice to be given of apprehended loss of ship.

23. If any person sends or attempts to send by, or not being the master or owner of the vessel carries or attempts to carry in, any vessel, British or foreign, any dangerous goods; (that is to say,) aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel, he shall for every such offence incur a penalty not exceeding one hundred pounds: Provided that if such person show that he was merely an agent in the shipment of any such goods as Restrictions on carriage of dangerous goods.

(y) See the M. S. Act, 1876, s. 21.

(z) A list of the signals registered under this section has been printed.

See "The Rule of the Road," by Thomas Gray Potter, London, 1878, Appendix, pp. 75—86. *and for 6*
cccc lxi

aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty which he incurs shall not exceed ten pounds.

Penalty for misdescription of dangerous goods.

24. If any person knowingly sends or attempts to send by, or carries or attempts to carry in, any vessel, British or foreign, any dangerous goods or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, he shall incur a penalty not exceeding five hundred pounds.

Power to refuse to carry goods suspected of being dangerous.

25. The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.

Power to throw overboard dangerous goods.

26. Where any dangerous goods as defined in this act, or any goods which, in the judgment of the master or owner of the vessel, are of a dangerous nature, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid or without such notice having been given as aforesaid, the master or owner of the vessel may cause such goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any court.

Forfeiture of dangerous goods improperly sent.

27. Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such goods have been sent or carried, or attempted to be sent or carried, under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for any Court having admiralty jurisdiction to declare such goods, and any package or receptacle in which they are contained, to be and they shall thereupon be forfeited, and when forfeited shall be disposed of as the Court directs.

The Court shall have and may exercise the aforesaid powers of forfeiture and disposal notwithstanding that the owners of the goods have not committed any offence under the provisions of this act relating to dangerous goods, and be not before the Court, and have not notice of the proceedings, and notwithstanding that there be no evidence to show to whom the goods belong; nevertheless the Court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before the same are forfeited.

Saving as to Dangerous Goods Acts.

28. The provisions of this act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for or in restraint of any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorize that any person be sued or prosecuted twice in the same matter (a).

Miscellaneous and Repeal.

Her Majesty may, by order in council, declare certain foreign ports ports of registry.

29. Where, in accordance with the Foreign Jurisdiction Acts, her Majesty exercises jurisdiction within any port out of her Majesty's dominions, it shall be lawful for her Majesty, by order in council, to declare such port a port of registry (in this act referred to as a foreign port of registry), and by the same or any subsequent order in council

(a) See the Petroleum Act, 1871 (34 & 35 Vict. c. 105), ss. 4, 5, which has been from time to time continued

by the Expiring Laws Continuance Act of each session, and the Explosive Substances Act, 1875 (38 Vict. c. 17).

to declare the description of persons who are to be the registrars of British ships at such foreign port of registry, and to make regulations with respect to the registry of British ships thereat.

Upon such order coming into operation it shall have effect as if it were enacted in the Merchant Shipping Acts, 1854 to 1873, and shall, subject to any exceptions and regulations contained in the order, apply in the same manner, as near as may be, as if the port mentioned in the order were an ordinary port of registry.

30. There shall be paid in respect of the several measurements, inspections, and surveys mentioned in the third schedule hereto such fees, not exceeding those specified in that behalf in the said schedule, as the Board of Trade may from time to time determine (b).

Fees in respect of surveys, &c.

31. In any legal proceedings under the Merchant Shipping Acts, 1854 to 1873, the Board of Trade may take proceedings in the name of any of their officers.

Board of Trade may sue in name of its officers.

32. The following sections of this act, that is to say, sections sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, shall not come into operation until the first day of November one thousand eight hundred and seventy-three.

Certain sections not to come into force until 1st November, 1873.

33. Section twenty-nine of the Merchant Shipping Act Amendment Act, 1862, and sections four and ten of the Merchant Shipping Act, 1871, are hereby repealed; and on and after the first day of November one thousand eight hundred and seventy-three, sections three hundred and twenty-seven and three hundred and twenty-nine of the Merchant Shipping Act, 1854, sections thirty-three and thirty-eight of the Merchant Shipping Act Amendment Act, 1862, and section nine of the Merchant Shipping Act, 1871, shall be repealed; but this repeal shall not affect—

Repeal of certain sections of the Merchant Shipping Acts, 1862 and 1871; and of certain other sections of Merchant Shipping Acts, 1854, 1862, and 1871.

- (1.) Anything duly done before this act comes into operation;
- (2.) Any right acquired or liability accrued before this act comes into operation;
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this act comes into operation; or,
- (4.) The institution of any legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

SCHEDULES.

SCHEDULE I.

SIGNALS OF DISTRESS.

In the daytime.—The following signals, numbered 1, 2, and 3, when used or displayed together or separately, shall be deemed to be signals of distress in the daytime:—

1. A gun fired at intervals of about a minute;
2. The International Code signal of distress indicated by N C;

(b) See *post*, "General Table of Fees charged under the authority of the Board of Trade."

3. The distant signal, consisting of a square flag having either above or below it a ball, or anything resembling a ball.

At night.—The following signals, numbered 1, 2, and 3, when used or displayed together or separately, shall be deemed to be signals of distress at night:—

1. A gun fired at intervals of about a minute;
2. Flames on the ship (as from a burning tar barrel, oil barrel, &c.);
3. Rockets or shells, of any colour or description, fired one at a time, at short intervals.

SCHEDULE II.

SIGNALS TO BE MADE BY SHIPS WANTING A PILOT.

In the daytime.—The following signals, numbered 1 and 2, when used or displayed together or separately, shall be deemed to be signals for a pilot in the daytime, viz.:—

1. To be hoisted at the fore, the Jack or other national colour usually worn by merchant ships, having round it a white border, one-fifth of the breadth of the flag; or
2. The International Code pilotage signal indicated by P T.

At night.—The following signals, numbered 1 and 2, when used or displayed together or separately, shall be deemed to be signals for a pilot at night, viz.:—

1. The pyrotechnic light commonly known as a blue light every fifteen minutes; or
2. A bright white light, flashed or shown at short or frequent intervals just above the bulwarks, for about a minute at a time.

SCHEDULE III (d).

TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT, SURVEY, AND INSPECTION OF MERCHANT SHIPS.

1. For Measurement of Tonnage.		£	s.	d.
For a ship under 50 tons register tonnage	.	1	0	0
„ from 50 to 100 tons	„	1	10	0
„ „ 100 to 200 „	„	2	0	0
„ „ 200 to 500 „	„	3	0	0
„ „ 500 to 800 „	„	4	0	0
„ „ 800 to 1,200 „	„	5	0	0
„ „ 1,200 to 2,000 „	„	6	0	0
„ „ 2,000 to 3,000 „	„	7	0	0
„ „ 3,000 to 4,000 „	„	8	0	0
„ „ 4,000 to 5,000 „	„	9	0	0
„ „ 5,000 and upwards	„	10	0	0

2. For the Inspection of the Berthing or Sleeping Accommodation of the Crew.

	£	s.	d.
For each visit to the ship	0	10	0

Provided as follows:

- (1.) The aggregate amount of the fees for any such inspection shall not exceed one pound (£1) whatever be the number of separate visits.
- (2.) When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for such inspection.

(d) See *post*, “General Table of Fees charged under the authority of the Board of Trade.”

3. *For the Survey of Emigrant Ships.*

	£	s.	d.
(a.) For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrangements, and medical stores	10	0	0
(b.) For a special survey	15	0	0
(c.) In respect of the medical examination of passengers and crew, for every hundred persons or fraction of a hundred persons examined	1	0	0

4. *For the Inspection of Lights and Fog Signals.*

For each visit made to a ship on the application of the owner, and for each visit made where the lights or fittings are found defective 0 10 0

Provided that the aggregate amount of fees for any such inspection shall not exceed one pound (£1) whatever be the number of separate visits.

37 & 38 VICT. c. 51.

An Act to amend the Law respecting the Proving and Sale of Chain Cables and Anchors. [30th July, 1874.]

WHEREAS it is expedient to amend the act of the thirty-fourth and thirty-fifth years of her Majesty Queen Victoria, chapter one hundred and one, intituled "An Act to amend the law respecting the proving and sale of Chain Cables and Anchors:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act shall be construed as one with the Chain Cables and Anchors Acts, 1864 and 1871, and together with those acts may be cited as the Chain Cables and Anchors Acts, 1864 to 1874, and may be cited separately as the Chain Cables and Anchors Act, 1874, and shall take effect from the first day of September one thousand eight hundred and seventy-four.

Construction and commencement of act.

2. All fees paid to the Board of Trade, and all fees and other sums received by the Trinity House as their licensees in pursuance of the Chain Cables and Anchors Acts, 1864 to 1874, shall be carried to the Mercantile Marine Fund; and all expenses of the Board of Trade and Trinity House incurred under the Chain Cables and Anchors Acts, 1864 to 1874, and the salary and allowances payable to an inspector, shall be paid out of the Mercantile Marine Fund.

Fees to be paid into and expenses out of Mercantile Marine Fund.

3. After the commencement of this act a maker of or dealer in anchors and chain cables shall not sell or contract to sell, nor shall any person purchase or contract to purchase, for the use of any British ship, any chain cable or any anchor exceeding in weight one hundred and sixty-eight pounds which has not been previously tested and stamped in accordance with the Chain Cables and Anchors Acts, 1864 to 1874. Any person who acts in contravention of this section shall be deemed to be guilty of a misdemeanor.

No chain cable or anchor exceeding 168 lbs. weight to be sold without being tested.

4. Every contract for the sale of a chain cable shall, in the absence of an express stipulation to the contrary (proof whereof shall lie on the seller), be deemed to imply a warranty that the cable has been before delivery tested and stamped in accordance with the Chain Cables and Anchors Acts, 1864 to 1874. In case of dispute the proof of such testing and stamping shall be on the seller.

Contract for sale to imply a warranty.

Cables and anchors of alleged unseaworthy ships to be tested.

34 & 35 Vict. c. 101, s. 6, repealed. Test approved by Board of Trade to be substituted.

Superior tests may be substituted in certain cases.

Acts specified in schedule repealed in part.

5. Whenever any ship is surveyed or detained by the Board of Trade under the Merchant Shipping Act, 1873, on the ground of alleged unseaworthiness, the Board may direct an inquiry into the condition of the cables and anchors, and if they have not been tested according to the Chain Cables and Anchors Acts, 1864, to 1874, may make such further order as they think requisite previous to her release.

6. Section six of the act of the thirty-fourth and thirty-fifth years of the reign of her present Majesty, chapter one hundred and one, shall be repealed, and in lieu thereof any test approved of by the Board of Trade as a test equal or superior to the tests required by the said act may be substituted for such tests; provided that every chain is tested to a tensile and breaking strain not less than that known as the Admiralty test (e).

7. Any test approved by the Board of Trade as a test superior to the tensile and breaking test required by the said act may, in any particular case or class of cases, be substituted for such test; and in such case or class of cases chains and anchors tested according to the test so approved shall be deemed to be tested according to the Chain Cables and Anchors Acts, 1864 to 1874, and the said test shall be noted on a certificate.

8. The acts specified in the schedule to this act are hereby repealed from the commencement of this act to the extent in the third column of that schedule mentioned, without prejudice to anything done or suffered or any right acquired before the said day under the enactments hereby repealed.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
27 & 28 Vict. c. 27..	The Chain Cable and Anchor Act, 1864.	Section five from "all such fees" inclusive down to the end of the section, and in section six the words "out of moneys to be provided by Parliament for the purpose."
35 & 36 Vict. c. 73..	The Merchant Shipping Act, 1872.	Section twelve.

37 & 38 VICT. c. 52.

An Act to make Regulations for preventing Collisions in the Sea Channels leading to the River Mersey. [30th July, 1874.]

WHEREAS it is expedient to make special regulations for preventing collisions between vessels in the sea channels leading to the River Mersey: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Any general regulations for preventing collisions at sea for the time being in force under the provisions of the Merchant Shipping Acts shall be construed as if the following regulations were added thereto; that is to say,

(1.) Every steamship, and every vessel in tow of any steamship, when navigating in the sea channels or approaches to the River Mersey, between the Rock Lighthouse and the furthest point seawards to

(e) See Scales of proofs showing the tensile strain to which chain cables and anchors are subjected before being received for the use of her Majesty's

navy, and Notice of January 1, 1875, issued by the Board of Trade, *post*, "Forms," No. 44.

Special regulations for preventing collisions in the approaches to the River Mersey.

which such sea channels or approaches respectively are for the time being buoyed on both sides, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such steamship or vessel in tow (*f*).

- (2.) Every ship at anchor in the said sea channels or approaches, within the limits aforesaid, shall carry the single white light prescribed by Article 7 of the General Regulations for preventing Collisions at Sea (*g*), made under the authority of the Merchant Shipping Acts Amendment Act, 1862, at a height not exceeding twenty feet above the hull, suspended from the forestay, or otherwise near the bow of the ship where it can be best seen; and, in addition to the said light, all ships having two or more masts shall exhibit another similar white light, at double the height of the bow light, at the main or mizzen-peak, or the boom topping lift, or other position near the stern where it can be best seen (*h*).

2. This act shall not come into operation until the first day of November one thousand eight hundred and seventy-four. Commence-
ment of act.

—◆—

37 & 38 VICT. c. 88.

An Act to amend the Law relating to the Registration of Births and Deaths in England, and to consolidate the Law respecting the Registration of Births and Deaths at Sea.

[7th August, 1874.]

WHEREAS it is expedient to amend the acts relating to the registration of births and deaths in England,* and to consolidate the law respecting the registration of births and deaths at sea: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*

Registration of Births and Deaths at Sea.

37. The provisions of this act, save as is herein expressly provided, shall not apply to the registration of births and deaths on board a vessel at sea, with respect to which the following provisions shall have effect: Registration
of births and
deaths at sea.

- (1.) The captain or master of or other person having the command or charge of a British ship shall, as soon as may be after the occurrence of the birth of a child or the death of a person on board such ship, record in his log book or otherwise the fact of such birth or death, and the particulars required by the fourth schedule to this act to be registered concerning such birth or death, or such of them as may be known to him, and shall, (unless the ship is one of her Majesty's ships,) upon the arrival of such ship at any port of the United Kingdom, or at such other time or place as the Board of Trade may from time to time with respect to any ship or class of ships direct, deliver or send, in such form and manner as the Board

(*f*) The rule for preventing collisions in the approaches to the River Mersey contained in this subsection is, *mutatis mutandis*, the same in terms as the rule contained in the M. S. Act, 1864, s. 297, which was in force up to the passing of the M. S. Act, 1862, and, until its repeal by that act, was obligatory on every steamship navigating any narrow channel. The cases

below mentioned were decided on the repealed section: *The Nimrod*, 15 Jurist, 1201; *The Panther*, 18 Spks. 31; *The Syolph*, 2 Spks. 75; *The Unity*, Swa. 101; *The Hand of Providence*, Swa. 107; *Smith v. Voss*, 2 H. & N. 97; *The La Plata*, Swa. 298; *The Fyenoord*, Swa. 374; *The Seine*, Swa. 411; *The Argo*, Swa. 462.

(*g*) See *post*, "Orders in Council."

(*h*) See the M. S. Act, 1873, s. 17.

of Trade may from time to time direct, a return of the facts so recorded to the registrar general of shipping and seamen (i).

- (2.) Where a ship which is not a British ship carries passengers to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of this section shall apply to the captain or master of or other person having the command or charge of such ship, in like manner as if it were a British ship.
- (3.) Where the said return is directed by the Board of Trade (whether the ship is British or foreign) to be delivered upon the arrival of the ship, or the discharge of the crew, or otherwise, at any port or place out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return instead of being delivered to the registrar general of shipping and seamen shall be delivered, and the same shall accordingly be delivered, if such port or place is within her Majesty's dominions, to the shipping master or collector of customs at such port or place, and if it is a foreign port or place, to the principal British consular officer at the said foreign port or place, and such shipping master, collector, or officer shall send the same, as soon as may be, by post or otherwise, to the registrar general of shipping and seamen.
- (4.) Where it appears from any such return that the father of any child so born, or if the child is a bastard the mother of such child, was a Scotch or Irish subject of her Majesty, or that any person whose death is mentioned in such return was a Scotch or Irish subject of her Majesty, the registrar general of shipping and seamen shall from time to time send a certified copy of so much of the return as relates to such birth or death to the registrar general of births and deaths in Scotland or Ireland, as the case may require.
- (5.) The registrar general of shipping and seamen shall from time to time send to the registrar general of births and deaths in England a certified copy of every other such return, or of that part of every such return which is not so sent to the registrar general of births and deaths in Scotland or Ireland.
[Sub-section 6 relates to the ships belonging to her Majesty.]
- (7.) Every registrar general of births and deaths to whom a copy of any return or a return is sent in pursuance of this section shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called a marine register book, and such book shall be deemed to be a certified copy of a register book within the meaning of the acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.
- (8.) Every captain or master of or other person having charge of a ship who fails to comply with this section shall be liable to a penalty not exceeding five pounds for each offence; and such penalty may be recovered in the same courts and places and in the like manner, and when recovered shall be applied in like manner, as a penalty under the Merchant Shipping Act, 1854.
- (9.) This section shall extend to all places and persons within British jurisdiction.
- (10.) Terms in this section shall have the same meaning as in the Merchant Shipping Act, 1854.

53. This act may be cited as "The Births and Deaths Registration Act, 1874."

Repeal.

Repeal of acts
in schedule.

54. The acts specified in the fifth schedule to this act are hereby repealed, from and after the commencement of this act, to the extent specified in the third column of that schedule.

(i) See *post*, "Forms," No. 43.

Provided that this repeal shall not affect:—

- (a.) Anything duly done or suffered under any enactment hereby repealed, or the proof of any past act or thing;
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this act had not passed.

FOURTH SCHEDULE.

Particulars to be registered by Captain of a Ship concerning a Birth at Sea.

Date of birth.

Name (if any) and sex of the child.

Name and surname, and rank, profession, or occupation of the father.

Name and surname, and maiden surname of mother.

Nationality and last place of abode of the father and mother.

Particulars to be registered by Captain of a Ship concerning a Death at Sea.

Date of death.

Name and surname.

Sex.

Age.

Rank, profession, or occupation.

Nationality and last place of abode.

Cause of death.

FIFTH SCHEDULE.

A description or citation of a portion of an act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Portions of acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous acts.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
• •	• •	• • •
17 & 18 Vict. c. 104	The Merchant Shipping Act, 1854.	Sections two hundred and seventy-three and two hundred and eighty-two, so far as they relate to the entry of any birth or death.
18 & 19 Vict. c. 119	Passengers Act, 1855.	Section sixteen from "and the said master shall note in writing" down to "An Act for registering births, deaths, and marriages in England," and section one hundred from "such emigration or customs officer" to the end of the section.
• •	• •	• • •

• 38 VICT. c. 15.

An Act to amend the Sea Fisheries Act, 1868. [28th May, 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Saving.

3. Nothing in the Sea Fisheries Act, 1868, or in the schedule thereto shall be deemed to repeal or alter any of the regulations for preventing collisions at sea, contained in the schedule to the Merchant Shipping Act Amendment Act, 1862, or to take away or diminish the power to annul or modify any of the said regulations, and to make new regulations in addition thereto or in substitution therefor, which by the said last-mentioned act is given to her Majesty in council (k).

Short title.

4. This act may be cited as "The Sea Fisheries Act, 1875."

38 VICT. c. 18.

An Act to provide for the Establishment of a Close Time in the Seal Fishery in the Seas adjacent to the Eastern Coast of Greenland.

[14th June, 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Application of
act by order
in council in
conjunction
with foreign
states.

1. When it appears to her Majesty in council that the foreign states whose ships or subjects are engaged in the seal fishery in the area mentioned in the schedule to this act, or any part of such area, have made or will make with respect to their own ships and subjects the like provisions to those contained in this act, it shall be lawful for her Majesty, by order in council, to direct that this act shall, after the date mentioned in the order, apply to the seal fishery within the said area, or such part thereof as may be specified in the order (l).

Her Majesty may, by the same or any subsequent order, limit the operation of the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

So long as an order under this section remains in force this act shall, subject to any such limitation, condition, exemption, or qualification as aforesaid, apply to the seal fishery within the said area, or such part as may be specified in the order.

Her Majesty may from time to time, by order in council, rescind, alter, or add to any order made in pursuance of this section, and make a new order in lieu thereof.

Every order in council made in pursuance of this section shall be laid before both Houses of Parliament within six weeks after it is made, or if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

Close time for
seal fishery.

2. When an order in council has been made for applying this act, then, so long as such order remains in force, the master or person in charge of or any person belonging to any British ship, or any British subject, shall not kill or capture or attempt to kill or capture any seal within the area mentioned in the schedule to this act, or the part of the

(k) See the Fisheries (Oyster, Crab, and Lobster) Act, 1877 (40 & 41 Vict.

c. 42), s. 15.

(l) See *post*, "Orders in Council."

area specified in the order, before such day in any year as may be fixed by the order, and the master or person in charge of a British ship shall not permit such ship to be employed in such killing or capturing, or permit any person belonging to such ship to act in breach of this section (m).

Any person who is guilty of any breach (by any act or default) of this section shall be liable to a penalty not exceeding five hundred pounds for each offence.

3. Every offence under this act may be prosecuted and every penalty under this act may be recovered— Prosecution of offences.

- (1.) In England, before two justices of the peace in a summary manner, or by action in any of her Majesty's Superior Courts at Westminster, together with full costs of suit; and
- (2.) In Scotland, by action as for a debt in the ordinary Sheriff Court or in the Court of Session; and
- (3.) In Ireland, before two justices of the peace in a summary manner, or by personal action in any of her Majesty's Superior Courts at Dublin.

Provided that the penalty imposed in a summary manner by two justices shall not exceed one hundred pounds, exclusive of costs.

One half of every penalty recovered under this act shall be paid to the person who prosecuted the offence or sued for such penalty.

For all purposes of and incidental to the trial and punishment of any person accused of an offence under this act, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any Court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed or in any place in which the offender may for the time being be found.

4. Where an offence under this act is committed, then—

- (a.) If the same is committed by the fault or with the connivance of the master of any ship, that master, and—
- (b.) If the same is committed by the fault or with the connivance of the owner of any ship, that owner—

Liability of owner and master of ship in certain cases.

shall be liable to the like penalty to which the person committing such offence is liable under this act.

5. Where the owner or master of a ship is adjudged to pay a penalty for an offence under this act, the Court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship and her tackle. Liability of ship to penalty.

6. In this act the expression "seal" means the harp or saddleback seal, the bladdernosed or hooded seal, the ground or bearded seal, and the floc seal or floc rat, and includes any animal of the seal kind which may be specified in that behalf by an order in council under this act. Definition of "seal."

7. This act may be cited as "The Seal Fishery Act, 1875."

Short title.

SCHEDULE.

Area to which Act applies.

The area included between the parallels of sixty-seven degrees and seventy-five degrees of north latitude, and between the meridians of five degrees east and seventeen degrees west longitude, reckoned from the meridian of Greenwich.

(m) See post, "Orders in Council."

38 & 39 VICT. c. 50.

An Act to amend the Acts relating to the County Courts.

[2nd August, 1875.]

WHEREAS it is desirable to amend the Acts relating to the County Courts :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Judge may do certain things within or without his circuit.

4. A judge of County Courts shall, whether within the district of any of his Courts or not, have jurisdiction to make any order, or exercise, on an *ex parte* application, any authority or jurisdiction in any action or proceeding pending in any of the Courts of which he is judge, which, if the same related to an action or proceeding pending in one of her Majesty's superior Courts, might be given, made, or exercised by a judge of such last-mentioned Courts in chambers, and, with the consent of both parties to an action or proceeding, to hear and decide any matter at any place either within or without any such district.

As to appointment of assessors.

5. In any action or proceeding it shall be lawful for the judge, if he think fit, on the application of either party, to summon to his assistance, in such manner as may be prescribed by rules of court, one or more persons of skill and experience in the matter to which the action or proceeding relates, who may be willing to sit with the judge and act as assessors; and their remuneration for so sitting shall be at such rate as may be prescribed by rules of court, and shall be costs in the cause or proceeding, unless otherwise ordered by the judge; but where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by either party in manner to be prescribed by rules of court.

Appeal may be made within eight days without stating special case.

6. In any cause, suit, or proceeding, other than a proceeding in bankruptcy, tried or heard in any County Court, and in which any person aggrieved has a right of appeal⁽ⁿ⁾, it shall be lawful for any person aggrieved by the ruling, order, direction, or decision of the judge, at any time within eight days after the same shall have been made or given, to appeal against such ruling, order, direction, or decision by motion to the Court to which such appeal lies, instead of by special case, such motion to be *ex parte* in the first instance, and to be granted on such terms as to costs, security, or stay of proceedings as to the Court to which such motion shall be made shall seem fit. And if the Court to which such appeal lies be not then sitting, such motion may be made before any judge of a superior Court sitting in chambers. And at the trial or hearing of any such cause, suit, or proceeding, the judge, at the request of either party, shall make a note of any question of law raised at such trial or hearing, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision of the cause, suit, or proceeding, and he shall, at the expense of any person or persons, being party or parties in any such cause, suit, or proceeding, requiring the same for the purpose of appeal, furnish a copy of such note, or allow a copy to be taken of the same by or on behalf of such person or persons, and he shall sign such copy, and the copy so signed shall be used and received on such motion and at the hearing of such appeal.

(n) See *Turner v. The Great Western Railway Co.*, 2 Q. B. Div. 125.

10. There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from the County Court when such decree or order affirms the judgment of the County Court, except by express permission of the judge of the High Court of Admiralty. When upon an appeal the High Court of Admiralty alters the judgment of the County Court no leave to appeal to her Majesty in council shall be necessary (o).

As to appeals to the Queen in council in admiralty causes.

11. Where an admiralty cause has been heard in the County Court with the assistance of nautical assessors, elder brethren of the Trinity House shall be summoned to assist on the hearing of an appeal by the High Court of Admiralty if either party shall require the same, and the judge of the High Court shall be of opinion that the assistance of the elder brethren is necessary or desirable.

In what cases assessors shall be summoned.

12. The several enactments specified in Schedule (C.) to this act are hereby repealed to the extent mentioned in the third column of the said schedule; but this repeal shall not affect the course of any proceeding taken before such repeal.

Enactments in schedule (C.) repealed.

13. This act and the County Courts Act, 1846, and the several acts altering or amending the same, shall be construed together as one act, and this act may be cited as "The County Courts Act, 1875."

This act and other County Courts Acts to be construed together.

14. This act shall come into operation on the second day of November next after the passing hereof.

Commencement of act.

SCHEDULE (C).

Reference to Act.	Title of Act.	Extent of Repeal.
* * *	* * *	* * *
31 & 32 Vict. c. 71 ..	An Act for conferring Admiralty jurisdiction on the County Courts.	The whole of section twenty-nine.

39 VICT. c. 6.

An Act to amend the Law relating to the Stamping of Policies of Sea Insurance. [7th April, 1876.]

WHEREAS it is expedient to amend the law relating to the stamping of policies of sea insurance as contained in an act of the thirtieth and thirty-first years of her Majesty's reign, chapter twenty-three, and the Stamp Act, 1870:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act a policy of sea insurance, by which the separate and distinct interests of two or more persons are for total and

(o) See the Judicature Act, 1873 (36 & 37 Vict. c. 66), ss. 3, 16, 18, 19, 34, 42, 44; and the Court of Judicature (Commencement) Act, 1874 (37 & 38 Vict. c. 83), s. 2.

not upon separate interests may be stamped with further duty. Section 16 of the Stamp Act, 1870, to apply to policies of sea insurance. Penalty on stamping, 100*l*. Title of act.

insured, being stamped in respect of the aggregate of such interests, but not duly stamped in respect of each of such interests, may be stamped with an additional stamp or stamps at any time within one month after the last risk has been declared.

2. From and after the passing of this act, section sixteen of the Stamp Act, 1870 (*p*), shall apply to a policy of sea insurance. Such policy shall, for the purposes of the said section, be an instrument which may legally be stamped after the execution thereof, and the penalty payable by law on stamping the same as aforesaid shall be the sum of one hundred pounds.

3. This act may be cited as "The Sea Insurances (Stamping of Policies) Amendment Act, 1876."

39 & 40 VICT. c. 27.

An Act to authorize the Reduction of Local Light Dues.

[18th July, 1876.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This act may be cited as "The Local Light Dues Reduction Act, 1876."

Power to reduce local light dues.

2. Any local authority not otherwise empowered may and is hereby authorized and empowered from time to time, with the consent of her Majesty in council, to reduce all or any dues for the time being receivable by such local authority in respect of lighthouses, buoys, or beacons.

Definition of "local authority."

The term "local authority" in this act shall mean any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons.

The 39 & 40 Vict. c. 28, which is entitled "An Act to amend the Court of Admiralty (Ireland) Act, 1867, and confer a more extended Admiralty Jurisdiction on the Recorders of Cork and Belfast," it is considered not necessary to set out.

39 & 40 VICT. c. 80.

An Act to amend the Merchant Shipping Acts.

[15th August, 1876.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This act may be cited as "The Merchant Shipping Act, 1876."

Construction of act.

2. This act shall be construed as one with the Merchant Shipping Act, 1854, and the acts amending the same; and the said acts and this act may be cited collectively as "The Merchant Shipping Acts, 1854 to 1876."

(*p*) 33 & 34 Vict. c. 97.

3. This act shall come into operation on the first day of October 1876 (which day is in this act referred to as the commencement of this act); nevertheless any orders in council and general rules under this act may be made at any time after the passing of this act, but shall not come into operation before the commencement of this act.

Commence-
ment of act.

Unseaworthy Ships.

4. Every person who sends or attempts to send or is party to sending or attempting to send a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness (q).

Sending un-
seaworthy ship
to sea a mis-
demeanor.

Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanor, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted except by or with the consent of the Board of Trade, or of the governor of the British possession in which such prosecution takes place.

A misdemeanor under this section shall not be punishable upon summary conviction.

5. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same: Provided, that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

Obligation of
shipowner to
crew with
respect to use
of reasonable
efforts to
secure sea-
worthiness.

6. Where a British ship, being in any port of the United Kingdom, is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (hereinafter referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows:

Power to de-
tain unsafe
ships and pro-
cedure for
such deten-
tion.

- (1.) The Board of Trade, if they have reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.
- (2.) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.

(q) See *Lewis v. Gray*, 1 C. P. Div. 462, decided on the M. S. Act, 1873, s. 11.

- (3.) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may from time to time vary or add to any such order.
- (4.) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master of the ship may appeal in the prescribed manner to the Court of Survey (hereinafter mentioned) for the port or district where the ship is detained.
- (5.) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes such survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the Court of Survey (nominated as hereinafter mentioned) (r), and in such case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.
- (6.) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the Court of Survey for the port or district where the ship is detained.
- (7.) The Board of Trade may at any time, if satisfied that a ship detained under this act is not unsafe, order her to be released either upon or without any conditions.
- (8.) For the better execution of this section, the Board of Trade, with the consent of the Treasury, may from time to time appoint a sufficient number of fit officers, and may remove any of them.
- (9.) Any officer so appointed (in this act referred to as a detaining officer) shall have the same power as the Board of Trade have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.
- (10.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

Constitution
of Court of
Survey for
appeals.

7. A Court of Survey for a port or district shall consist of a judge sitting with two assessors.

The judge shall be such person as may be summoned for the case in accordance with the rules made under this act out of a list (s) (from time to time approved for the port or district by one of her Majesty's principal secretaries of state, in this act referred to as a secretary of state,) of wreck commissioners appointed under this act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this act by the registrar of the Court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local

(r) Sect. 7.

(s) See *post*, "Regulations for Courts of Survey."

shipowners or merchants approved for the purpose by a secretary of state, or, if there is no such list, shall be appointed by the judge; if a secretary of state thinks fit at any time, on the recommendation of the government of any British possession or any foreign state, to add any person or persons to any such list, such person or persons shall, until otherwise directed by the secretary of state, be added to such list, and if there is no such list shall form such list.

The county court registrar or such other fit person as a secretary of state may from time to time appoint shall be the registrar of the Court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the Court in the prescribed manner to meet forthwith.

The name of the registrar and his office, together with the rules made under this act relating to the Court of Survey, shall be published in the prescribed manner.

8. With respect to the Court of Survey the following provisions shall have effect:

Power and
procedure of
Court of Sur-
vey.

- (1.) The case shall be heard in open Court;
- (2.) The judge and each assessor may survey the ship, and shall have for the purposes of this act all the powers of an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854^(t);
- (3.) The judge may appoint any competent person or persons to survey the ship and report thereon to the Court;
- (4.) The judge shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released;
- (5.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section;
- (6.) The judge shall send to the Board of Trade the prescribed report, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

9. The Lord Chancellor of Great Britain may from time to time (with the consent of the Treasury so far as relates to fees) make, and when made revoke, alter, and add to general rules to carry into effect the provisions of this act with respect to a Court of Survey, and in particular with respect to the summoning of and procedure before the Court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules.

Rules for pro-
cedure of
Court of Sur-
vey, &c.

All such rules while in force shall have effect as if enacted in this act, and the expression "prescribed" in the provisions of this act relating to the detention of ships or Court of Survey means prescribed by such rules^(u).

10. If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of the ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

Liability of
Board of
Trade and
shipowner for
costs and
damages.

If a ship is finally detained under this act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this act, the owner of the ship shall be liable to pay to the

^(t) See the M. S. Act, 1854, s. 15.

^(u) See *post*, "Regulations for Courts of Survey."

Board of Trade their costs of and incidental to the detention and survey (x) of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

For the purposes of this act the costs of and incidental to any proceeding before a Court of Survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be deemed to be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under this act may be referred to one of the masters or registrars of the Supreme Court of Judicature, who, on request made to him for that purpose by the Board of Trade, shall ascertain and certify the proper amount of such costs.

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary thereof by his official title as if he were a corporation sole; and if the cause of action arises in Ireland, it shall be lawful for any of the superior courts of common law in Ireland in which such action may be commenced to order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland, in such manner and on such terms as to extension of time and otherwise as to the Court shall seem fit, and that such service shall be deemed good and sufficient service of such summons or writ upon the secretary of the Board of Trade.

Power to require from complainant security for costs.

11. Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as hereinafter mentioned.

Provided that where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, such security shall not be required, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this act.

Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

Supplemental provisions as to detention of ship.

12. (1.) A detaining officer shall have for the purpose of his duties under this act the same powers as an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854 (y).
- (2.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.
- (3.) When a ship has been detained under this act she shall not be released by reason of her British register being subsequently closed.
- (4.) For the purposes of a survey of a ship under this act any person authorized to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.
- (5.) The provisions of the Merchant Shipping Act, 1854, with respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector (z), shall apply as if those provisions were herein enacted, with the substitution for the inspector of any judge, assessor, officer, or surveyor who under

(x) See *post*, "General Table of Fees charged under the authority of the Board of Trade."

(y) See the M. S. Act, 1854, s. 15.

(z) *Ib.*, s. 16.

this act has the same powers as an inspector or has authority to survey a ship.

Foreign Ships, Overloading.

13. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:

Application to foreign ships of provisions as to detention.

- (1.) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained:
- (2.) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in such case, if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the appeal to the Court of Survey touching the report of the surveyor which is before provided by this act; and
- (3.) Where the owner or master of the ship appeals to the Court of Survey, the consular officer, on the request of such owner or master, may appoint any competent person who shall be assessor in such case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

In this section the expression "consular officer" means any consul-general, vice-consul, consular agent, or other officer recognized by a secretary of state as a consular officer of a foreign state.

Appeal on Refusal of certain Certificates to Ships.

14. Whereas by section three hundred and nine of the Merchant Shipping Act, 1854, and enactments amending the same, the owner of a passenger steamer as defined in that act (a) is required to cause the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section three hundred and twelve of the same act, issue a certificate upon such declarations (b), and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate (c):

Appeal on refusal of certain certificates under Merchant Shipping and Passengers Acts.

And whereas under sections eleven and fifty of the Passengers Act, 1855, and the enactments amending the same, a passenger ship within the meaning of those sections (d) (in this act referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance (e) from an emigration officer, or other officer in those sections mentioned, showing that all the requirements of the said sections and enactments have been complied with, and that the ship is in the officer's opinion seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned:

And whereas by section thirty of the Merchant Shipping Act Amendment Act, 1862, provision is made for preventing a ship from proceeding

(a) See the M. S. Act, 1854, s. 303.

(d) See the Passengers Act, 1863,

(b) See *post*, "Forms," Nos. 29 and 30.

s. 3.

(e) See sect. 16.

(e) See *post*, "Forms," No. 31.

to sea in certain cases without a certificate from a surveyor or person appointed by the Board of Trade to the effect that the ship is properly provided with lights, and with the means of making fog signals (f):

And whereas it is expedient to give in the said cases such appeal as hereinafter mentioned: Be it therefore enacted that—

If a shipowner feels aggrieved,

- (1.) by a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above-recited enactments, or by the refusal of a surveyor to give the said declaration; or
- (2.) by the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments; or
- (3.) by the refusal of a certificate as to lights or fog signals under the above-recited enactment,

the owner may appeal in the prescribed manner to the Court of Survey for the port or district where the ship for the time being is.

On such appeal the judge of the Court of Survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and the other provisions of the said enactments have been complied with, may,—

- (1.) In the case of a passenger steamer give their certificate under section three hundred and twelve of the Merchant Shipping Act, 1854, and
- (2.) In the case of an emigrant ship give, or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments, and
- (3.) In the case of a refusal of a certificate as to lights or fog signals, give or direct a surveyor or other person appointed by them to give a certificate under section thirty of the Merchant Shipping Act Amendment Act, 1862.

Subject to any order made by the judge of the Court of Survey, the costs of and incidental to an appeal under this section shall follow the event.

Subject as aforesaid, the provisions of this act with respect to the Court of Survey and appeals thereto, so far as consistent with the tenour thereof, shall apply to the Court of Survey when acting under this section, and to appeals under this section.

Where the survey of a ship is made for the purpose of a declaration or certificate under the above-recited enactments, the person appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case, if the said two persons agree, there shall be no appeal to the Court of Survey in pursuance of this section.

Scientific Referees.

Reference in
difficult cases
to scientific
persons.

15. If the Board of Trade are of opinion that an appeal under this act involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a secretary of state, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a secretary of state, and thereupon the appeal shall be determined by the referee or referees, instead of by the Court of Survey.

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

The referee or referees shall have the same powers as a judge of the Court of Survey.

(f) See sect. 21.

Passenger Steamers and Emigrant Ships.

16. Any steamship may carry passengers not exceeding twelve in number although she has not been surveyed by the Board of Trade as a passenger steamer, and does not carry a Board of Trade certificate as provided by the Merchant Shipping Act, 1854, with respect to passenger steamers.

Exemption of certain steamers from passenger certificates.

17. Where the legislature of any British possession provides for the survey of and grant of certificates for passenger steamers, and the Board of Trade report to her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the acts relating to merchant shipping, it shall be lawful for her Majesty by order in council—

Colonial certificates for passenger steamers.

1. To declare that the said certificates shall be of the same force as if they had been granted under the said acts; and
2. To declare that all or any of the provisions of the said acts which relate to certificates granted for passenger steamers under those acts shall, either without modification or with such modifications as to her Majesty may seem necessary, apply to the certificates referred to in the order; and
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and cancellation thereof, as to her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

18. In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of the Merchant Shipping Act, 1854, and remains still in force, it shall not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her hull and machinery in order to qualify her for service under the Passengers Act, 1855, and the acts amending the same; but for the purposes of employment under those acts such Board of Trade certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further survey of the hull and machinery shall be dispensed with, and so long as a steamship is an emigrant ship, that is a passenger ship within the meaning of the Passengers Act, 1855, and the acts amending the same, and the provisions contained in the said Passengers Acts as to the survey of her hull, machinery, and equipments have been complied with, she shall not be subject to the provisions of the Merchant Shipping Act, 1854, with respect to the survey of and certificate for passenger steamers, or to the enactments amending the same.

Provision against double survey in case of passenger steamers and emigrant ships.

19. Where a foreign ship is a passenger steamer subject to the Merchant Shipping Act, 1854, and the acts amending the same, or an emigrant ship subject to the Passengers Act, 1855, and the acts amending the same, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at the port of survey, that such ship has been officially surveyed at a foreign port, and are satisfied that the requirements of the said acts, or any of them, are proved by such survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give or direct one of their officers to give a certificate, which shall have the same effect as if given upon survey under the said acts or any of them: Provided that her Majesty may by order in council direct that this section shall not apply in the case of an official survey at any foreign port at

Provision as to survey of foreign passenger steamer or emigrant ship.

which it appears to her Majesty that corresponding provisions are not extended to British ships.

Power to modify Passengers Acts as to food, space, and accommodation in emigrant ships.

20. It shall be lawful for the Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers is superior to the food, space, accommodation, or other particular or thing required by the Passengers Act, 1855, and the acts amending the same, to exempt such ship from any of the requirements of those acts with respect to food, space or accommodation, or other particular or thing, in such manner and upon such conditions as the Board of Trade may think fit.

Provision of signals of distress, inextinguishable lights, and life buoys in passenger steamers and emigrant ships.

21. Every sea-going passenger steamer and every emigrant ship shall be provided to the satisfaction of the Board of Trade—

- (1.) With means for making the signals of distress at night specified in the First Schedule to the Merchant Shipping Act, 1873, or in any rules substituted therefor, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve (d); and
- (2.) With a proper supply of lights inextinguishable in water and fitted for attachment to life buoys (d).

If any such steamer or ship goes to sea from any port of the United Kingdom without being so provided as required by this section, for each default in any of the above requisites the owner shall, if he appears to be in fault, incur a penalty not exceeding one hundred pounds, and the master shall, if he appears to be in fault, incur a penalty not exceeding fifty pounds.

Grain Cargoes.

Stowage of cargo of grain, &c.

22. No cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as "grain cargo," shall be carried on board any British ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise.

If the managing owner or master of any British ship, or any agent of

(d) The following is an extract from a Circular issued by the Board of Trade to their surveyors in September, 1876:—

"Circular No. 508, October, 1871, M. 6922, is as follows:—

"The Board of Trade having received favourable reports of 'Holmes' Patent Storm and Danger Signal Light,' have, in terms of section 301 (4) of 'The Merchant Shipping Act, 1864,' approved of this light as a 'means of making signals' for use in 'sea-going steamships employed to carry passengers.'

"The substitution of a number, not, however, exceeding six in all, of these lights for a like number of blue lights or port-fires in the case of any steamship, will therefore not be regarded as failure to comply with the provisions applicable to signals of distress.

"Circular No. 677, November, 1873, M. 14,347, is as follows:—

"The Board of Trade have approved of 'Holmes' Patent Storm and Danger Signal Light' as one of the means of

making signals of distress, under the provisions of section 18 of 'The Merchant Shipping Act, 1873,' and of Schedule I of the said act; and the signals alluded to may be passed accordingly.

"This instruction is to be read as a continuation of Circular 508 on the same subject.

"After the 1st October next the surveyors should, until further instructions are issued, continue to grant their declarations for sea-going passenger steamers, and their certificates for emigrant ships; provided that there are on board not less than two of the storm and danger signal lights, referred to in Circular 677, and six of the smaller lights of a similar description with means for attaching them to life-buoys.

(Signed) EDWARD STANHOPE,
Secretary.
THOMAS GRAY,
Assistant Secretary."

such owner who is charged with the loading of the ship or the sending her to sea, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding three hundred pounds, to be recovered upon summary conviction.

Deck Cargoes.

23. If any ship, British or foreign, other than home trade ships as defined by the Merchant Shipping Act, 1854, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable.

Space occupied by deck cargo to be liable to dues.

The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to include the goods.

The tonnage of such space shall be ascertained by an officer of the Board of Trade (e) or of Customs, in manner directed by sub-section four of section twenty-one of the Merchant Shipping Act, 1854, and when so ascertained shall be entered by him in the ship's official log book (f), and also in a memorandum (g) which he shall deliver to the master, and the master shall, when the said dues are demanded, produce such memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

24. After the first day of November one thousand eight hundred and seventy-six, if a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods coming within the following descriptions; that is to say,

Penalty for carrying deck-loads of timber in winter.

- (a.) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or
- (b.) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or
- (c.) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck;

the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section, and such penalty may be recovered by action or on indictment or to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable) on summary conviction.

Provided that a master or owner shall not be liable to any penalty under this section—

- (1.) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or
- (2.) If he proves that the ship sailed from the port at which the wood

(e) See *post*, "General Table of Fees charged under the authority of the Board of Trade."

(f) See *post*, "Forms," No. 43.
(g) See *post*, "Forms," No. 45.

goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

- (3.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

Provided further, that nothing in this section shall affect any ship not bound to any port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Deck and Load Lines.

Marking of
deck-lines.

25. Every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Marking of
load-line on
foreign-going
British ships.

26. With respect to the marking of a load-line on British ships the following provisions shall have effect:

- (1.) The owner of every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre:
- (2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage:
- (3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:
- (4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards:
- (5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made (h):

(h) See *post*, "Forms," Nos. 24 and 45.

- (6.) The master of the ship shall also enter a copy of this statement in the official log book (i):
- (7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

27. With respect to the marking of a load-line on British ships employed in the coasting trade, the following provisions shall have effect:

Marking of load-line in case of coasting vessels.

- (1.) The owner of every British ship employed in the coasting trade on the coasts of the United Kingdom (except ships under eighty tons register employed solely in that trade) shall, before proceeding to sea from any port, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre:
- (2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship, until notice is given of an alteration:
- (3.) He shall also once in every twelve months, immediately before the ship proceeds to sea, send or deliver to the collector or other principal officer of customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre (k):
- (4.) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the collector or other principal officer of customs of the port of registry of the ship notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines:
- (5.) If default is made in sending or delivering any notice or statement required by this section to be sent or delivered, the owner shall be liable to a penalty not exceeding one hundred pounds:
- (6.) When a ship has been marked as by this section required, she shall be kept so marked until notice is given of an alteration.

28. Any owner or master of a British ship who neglects to cause his ship to be marked as by this act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

Penalty for offences in relation to marks on ships.

If any of the marks required by this act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Investigations into Shipping Casualties.

29. For the purpose of rendering investigations into shipping casualties more speedy and effectual it shall be lawful for the Lord High Chancellor of Great Britain to appoint from time to time some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three such commissioners

Appointment, duties, and powers of wreck commissioners for investigating shipping casualties.

(i) See *post*, "Forms," No. 43.

(k) See *post*, "Forms," No. 45.

at any one time, and to remove any such wreck commissioner; and in case it shall become necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the appointment and the power of removal of such wreck commissioner.

It shall be the duty of a wreck commissioner, at the request of the Board of Trade, to hold any formal investigation into a loss, abandonment, damage, or casualty (in this act called a shipping casualty) under the eighth part of the Merchant Shipping Act, 1854, and for that purpose he shall have the same jurisdiction and powers as are thereby conferred on two justices (*l*), and all the provisions of the Merchant Shipping Acts, 1854 to 1876, with respect to investigations conducted under the eighth part of the Merchant Shipping Act, 1854, shall apply to investigations held by a wreck commissioner (*m*).

Assessors and rules of procedure on formal investigations into shipping casualties.

30. The wreck commissioner, justices, or other authority holding a formal investigation into a shipping casualty, shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge, to be appointed by the commissioner, justices, or authority out of a list of persons for the time being approved for the purpose by a secretary of state (*n*).

The commissioner, justices, or authority, when of opinion that the investigation is likely to involve the cancellation or suspension of the certificate of a master or mate, shall, where practicable, appoint a person having experience in the merchant service to be one of the assessors.

Each assessor shall either sign the report made on the investigation, or report to the Board of Trade his reasons for his dissent therefrom.

The Lord High Chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made revoke, alter, and add to general rules for carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to such parties and persons or to persons affected, and the amount and application of fees (*n*).

All such rules, while in force, shall have effect as if enacted in this act.

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Vict. c. 104, s. 448.

Power to hold inquiries or formal investigations as to stranded and missing ships.

31. A wreck commissioner may, at the request of the Board of Trade, by himself, or by some deputy approved by the Board of Trade, institute the same examination as a receiver of wreck under section four hundred and forty-eight of the Merchant Shipping Act, 1854, and shall for that purpose have the powers by that section conferred on a receiver of wreck.

32. In the following cases—

- (1.) Whenever any ship on or near the coasts of the United Kingdom or any British ship elsewhere has been stranded or damaged, and any witness is found at any place in the United Kingdom, or
- (2.) Whenever a British ship has been lost or is supposed to have been lost, and any evidence can be obtained in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,

the Board of Trade (without prejudice to any other powers) may, if they think fit, cause an inquiry to be made or formal investigation to be held, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, shall

(*l*) See the M. S. Act, 1854, ss. 432 166.
—438.

(*m*) See *Ex parte Story*, 3 Q. B. Div.

(*n*) See *post*, "Shipping Casualties Rules, 1878."

apply to any such inquiry or investigation as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854 (o).

33. A formal investigation into a shipping casualty may be held at any place appointed in that behalf by the Board of Trade, and all enactments relating to the authority holding the investigation shall, for the purpose of the investigation, have effect as if the place so appointed were a place appointed for the exercise of the ordinary jurisdiction of that authority. Place of investigation.

Miscellaneous.

34. Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorized or ordered to be detained, any commissioned officer on full pay in the naval or military service of her Majesty, or any officer of the Board of Trade or customs, or any British consular officer may detain the ship, and if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to her Majesty a penalty not exceeding one hundred pounds. Enforcing detention of ship.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any surveyor or officer of the Board of Trade or customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

35. Where any order, notice, statement, or document requires, for the purpose of any provision of this act, to be served on the master of a ship, the same shall be served, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship. Service of order on master, &c.

Any such order, notice, statement, or document may be served by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command or charge of such ship.

Any person who obstructs the service of any order, notice, statement or document on the master of a ship shall incur a penalty not exceeding ten pounds, and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor.

36. The name and address of the managing owner for the time being of every British ship registered at any port or place in the United Kingdom shall be registered at the custom house of the ship's port of registry. Ship's managing owner or manager to be registered.

Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of the Merchant Shipping Acts, 1854 to 1876, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

(o) See *Ex parte Story*, 3 Q. B. Div. 166.

If default is made in complying with this section the owner shall be liable, or if there be more owners than one each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom.

Power for her Majesty by order in council to apply certain provisions of Merchant Shipping Acts to foreign ships.

37. Whenever it has been made to appear to her Majesty that the government of any foreign state is desirous that any of the provisions of the Merchant Shipping Acts, 1854 to 1876, or of any act hereafter to be passed amending the same, shall apply to the ships of such state, her Majesty may by order in council declare that such of the said provisions as are in such order specified shall (subject to the limitations, if any, contained in the order) apply, and thereupon, so long as the order remains in force, such provisions shall apply (subject to the said limitations) to the ships of such state, and to the owners, masters, seamen and apprentices of such ships, when not locally within the jurisdiction of such state, in the same manner in all respects as if such ships were British ships.

Provision as to order in council.

38. Where her Majesty has power under the Merchant Shipping Act, 1854, or any act passed or hereafter to be passed amending the same, to make an order in council, it shall be lawful for her Majesty from time to time to make such order in council, and by order in council to revoke, alter, or add to any order so made (q).

Every such order in council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Upon the publication of any such order in the London Gazette, the order shall, after the date of such publication, or any later date mentioned in the order, take effect as if it were enacted by Parliament.

Fees, salaries, and costs.

39. On and after the first day of January one thousand eight hundred and seventy-seven all fees (r) payable in respect of the survey or measurement of ships under the Merchant Shipping Acts, 1854 to 1876, or in respect of any services performed by any person employed under the authority of the Passengers Act, 1855, shall continue to be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade from time to time direct, but shall be paid into the receipt of her Majesty's exchequer in such manner as the Treasury from time to time direct, and shall be carried to and form part of the consolidated fund of the United Kingdom.

On and after the same day the salaries of all surveyors appointed under the Merchant Shipping Acts, 1854 to 1876, and so much of the expenses connected with the survey and measurement of ships under those acts, and of the salaries and expenses of persons employed under the Passengers Act, 1855, as has heretofore been paid out of the Mercantile Marine Fund, shall be paid out of moneys provided by Parliament, and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade (s).

There may be paid out of moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this act, such salary or remuneration (if any) as the Treasury from time to time direct.

There may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this act.

(q) See the Foreign Jurisdiction Act, 1878 (41 & 42 Vict. c. 67).

(r) See *post*, "General Table of Fees charged under the authority of the

Board of Trade."

(s) See the Superannuation (Mercantile Marine Fund Officers) Act, 1877 (40 & 41 Vict. c. 44).

40. For the purpose of punishment, jurisdiction, and legal proceedings an offence under this act shall be deemed to be an offence under the Merchant Shipping Act, 1854.

Legal proceedings in case of offences.

41. In the application of this Act to Scotland,—

The provision with respect to a prosecution not being instituted except by or with the consent of the Board of Trade shall not apply.

Application of act to Scotland.

“Judge of a county court” shall be deemed to include a sheriff and sheriff substitute, and

“Registrar of a county court” shall be deemed to include sheriff clerk, and

“A master of the Supreme Court of Judicature” shall mean the Queen’s and Lord Treasurer’s Remembrancer.

42. In the application of this act to Ireland,—

Application of act to Ireland.

“Judge of a County Court” shall be deemed to include “chairman of a county” and “the recorder of any borough;”

“Registrar of a County Court” shall be deemed to include the clerk of the peace or registrar or other person discharging the duties of registrar of the Court, of the chairman of a county, or the recorder of a borough;

“Stipendiary magistrate” shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate; and

“A master of the Supreme Court of Judicature” shall mean one of the masters of the Superior Courts of Common Law in Ireland.

43. In the application of this act to the Isle of Man,—

Application of act to Isle of Man.

“Judge of a County Court” shall mean the water bailiff;

“Stipendiary magistrate” shall mean a high bailiff;

“Registrar of a County Court” shall mean a clerk to a deemster or a clerk to justices of the peace;

“A master of the Supreme Court of Judicature” shall mean the clerk of the rolls.

44. Nothing in this act shall apply to any vessel employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, and the provisions of this act relating to deck cargo shall not apply to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

Saving for colonial inland waters.

Repeal.

45. On and from the commencement of this act the acts specified in the first part of the schedule hereto, and on and from the first day of January one thousand eight hundred and seventy-seven the acts specified in the second part of the schedule hereto, shall be repealed to the extent in the third column of that schedule mentioned: Provided that any officer appointed in pursuance of any such enactment shall be deemed to have been appointed under this act, and any order in council made in pursuance of any such enactment shall be deemed to have been made under this act, and this repeal shall not affect—

Repeal of acts.

- (1.) Anything done or suffered under any enactment hereby repealed; nor
- (2.) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby repealed; nor
- (3.) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor
- (4.) Any legal proceeding in respect of any such right, power, duty, obligation, liability, penalty, or punishment, and any such legal proceeding may be carried on as if this act had not passed.

SCHEDULE.

PART I.

ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104 ..	The Merchant Shipping Act, 1854.	Sub-section (4) of section three hundred and one; so much of section three hundred and eighteen as requires the owner of a ship to transmit the declarations therein mentioned; section four hundred and thirty-four; and section four hundred and thirty-seven from "and in case he so requires" inclusive to the end of section; and section four hundred and forty-nine.
34 & 35 Vict. c. 110 ..	The Merchant Shipping Act, 1871.	Section eleven.
36 & 37 Vict. c. 85 ..	The Merchant Shipping Act, 1873.	Sections eleven, twelve, thirteen, and fourteen.
38 & 39 Vict. c. 88 ..	The Merchant Shipping Act, 1875.	The whole act.

PART II.

ENACTMENTS REPEALED FROM 1ST JANUARY, 1877.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104 ..	The Merchant Shipping Act, 1854.	Sub-section (2) of section four hundred and eighteen.
35 & 36 Vict. c. 73 ..	The Merchant Shipping Act, 1872.	Section fourteen.

—◆—

40 & 41 VICT. c. 16.

An Act to facilitate the removal of Wrecks obstructing Navigation.
[28th June, 1877.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This act may be cited as "The Removal of Wrecks Act, 1877."

Application of act.

2. This act shall not apply to ships belonging to her Majesty.

3. In this act,—

Interpretation
of terms.

The term "harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

The term "tidal water" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

The term "harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour;

The term "conservancy authority" includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water; and

The term "general lighthouse authority" has the same meaning as it has in the Merchant Shipping Act, 1854 (†).

17 & 18 Vict.
c. 104.

4. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the jurisdiction of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation in that harbour or water, or in any approach thereto, the authority may take possession of and raise, remove, or destroy the whole or any part of the vessel, and may light or buoy any such vessel or part until the raising, removal, or destruction thereof, and may sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this act, and may out of the proceeds of such sale reimburse themselves for the expenses incurred by them under this act, and shall hold the surplus, if any, of such proceeds in trust for the persons entitled thereto.

Power for
harbour or
conservancy
authority to
remove wreck.

Provided as follows:

(1.) Except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, a sale shall not be made under this act until at least seven clear days' notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have jurisdiction; and

(2.) At any time before any property is sold under this act, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing such agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this act, be deemed to be the proceeds of sale of that property.

5. Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore, in the United Kingdom, the Channel Islands, or the Isle of Man, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove or destroy the same, the general lighthouse authority for that part of the United Kingdom in or near which the vessel is situate shall, if in their opinion the same is or is likely to become an obstruction or danger to navigation, have the same powers in relation thereto as are by this act conferred upon a harbour or conservancy authority.

Power for
general light-
house autho-
rity to remove
wreck.

(†) See the M. S. Act, 1854, s. 389.

All expenses incurred by the general lighthouse authority under this act, and not reimbursed in manner provided by this act, shall be paid out of the mercantile marine fund.

Powers of removal to extend to tackle, cargo, &c.

6. The provisions of this act shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of this act any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

Power for Board of Trade to determine certain questions between authorities.

7. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand, as to their respective powers under this act in relation to any place being in or near an approach to a harbour or tidal water, the same shall, on the application of either authority, be referred to the decision of the Board of Trade, and that decision shall be final.

Powers of act cumulative.

8. The powers conferred by this act shall be deemed to be in addition to and not in derogation of any other powers for the like object.

40 & 41 VICT. c. 42.

An Act to amend the Law relating to the Fisheries of Oysters, Crabs, and Lobsters, and other Sea Fisheries. [10th August, 1877.]

Short title.

1. This act may be cited as "The Fisheries (Oyster, Crab, and Lobster) Act, 1877."

Temporary revival of 6 & 7 Vict. c. 79.

31 & 32 Vict. c. 45.

15. Notwithstanding anything contained in the Sea Fisheries Act, 1868, the act of the sixth and seventh years of the reign of her present Majesty, chapter seventy-nine, intituled "An Act to carry into effect a Convention between her Majesty and the King of the French concerning the Fisheries in the Sea between the British Islands and France," so far as regards French fishermen and French sea fishing boats, shall be in force as if it had not been repealed, and shall continue in force until the day when the convention set out in the first schedule to the Sea Fisheries Act, 1868, comes into operation (u).

(u) 6 & 7 VICT. c. 79.

An Act to carry into effect a Convention between her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France. [22nd August, 1843.]

[The portions of the act and of the schedule to the act which appear to relate only to English subjects and English fishing vessels are omitted, save where necessary to render the context intelligible.]

Whereas a convention was concluded between her majesty and the king of the French on the second day of August in the year one thousand eight hundred and thirty-nine, defining the limits of the oyster fishery between the island of Jersey and the neighbouring coast of France, and also defining the limits of the exclusive right of fishery on all other parts of the coasts of the British islands and France: And whereas by the eleventh article of the said convention it is stipulated and agreed, that "With a view to prevent the collisions which now from time to time take place on the seas lying between the coasts of Great Britain and of France between the trawlers and the line and long net fishers of the two countries, the high contracting parties agree to appoint, within two months after

the exchange of the ratifications of the present convention, a commission, consisting of an equal number of individuals of each nation, who shall prepare a set of regulations for the guidance of the fishermen of the two countries in the seas above mentioned; the regulations so drawn up shall be submitted by the said commissioners to the two governments respectively for approval and confirmation; and the high contracting parties engage to propose to the legislatures of their respective countries such measures as may be necessary for the purpose of carrying into effect the regulations which may be thus approved and confirmed:” And whereas, pursuant to the said convention, commissioners duly appointed and authorized by her majesty and his majesty the king of the French respectively have agreed upon certain articles set forth in the schedule annexed to this act for the guidance of the fishermen of the two countries in the seas lying between the coasts of the united kingdom of Great Britain and Ireland and those of the kingdom of France, which articles, in further fulfilment of the said convention, have been approved and confirmed on the part of her majesty by one of her majesty’s principal secretaries of state, and on the part of his majesty the king of the French by the ambassador extraordinary of his said majesty to the court of London: Be it therefore enacted, &c.: That the said articles shall be binding on all persons, and shall have the force of law, as fully as if they were herein severally and specially enacted.

Confirmation
of articles.

2. And whereas by the said convention and articles French fishermen are forbidden to fish in the seas between the British islands and France within the distance of three miles from low-water mark, as defined in the said convention and articles, but are not forbidden to fish anywhere beyond the said distance of three miles: And whereas by an act passed in the reign of king Charles the second, intituled “An Act for the Regulation of the Pilchard Fishery in the Counties of Devon and Cornwall,” the taking of fish in the manner therein mentioned is forbidden, unless it be at the distance of one league and a half at least from the shores of Devon and Cornwall respectively: Be it enacted, That after the passing of this act the said act of the reign of king Charles the second shall be construed as if instead of the distance of one league and a half the distance specified in the said convention and articles had been therein inserted and specified as the distance within which such taking of fish as is therein mentioned is forbidden; that is to say, the distance of three geographical miles (of which sixty make a degree of latitude), which distance shall be reckoned from low-water mark, except in bays the mouths of which do not exceed ten such geographical miles in width, and for such bays shall be reckoned from a straight line drawn from low-water mark off one headland to low-water mark off the other headland of such bays respectively.*

Amendment of
13 & 14 Car. 2,
c. 28.

3. And be it enacted, That it shall be lawful for the lords of the committee of her majesty’s privy council appointed for trade and foreign plantations, if and when they shall think fit, to appoint so many persons as they shall think necessary to ensure the due execution of the said convention and articles. . . .

For enforcing
convention
and articles.

4. And be it enacted, that it shall be lawful for the lords of the committee of her majesty’s privy council appointed for trade and foreign plantations, from time to time as may become necessary, to make and ordain such rules and byelaws as to them shall seem expedient for the more effectual performance of the said convention and articles, and from time to time to annul or alter the same, and substitute others instead thereof; and it shall be lawful for the lords of the said committee to impose any penalty not exceeding five pounds in all cases where any penalty is not fixed by this act or by the said articles for any breach of the said rules and byelaws, and to direct that all nets, instruments, or implements of fishing whatsoever used contrary to any of such rules and byelaws shall be forfeited, destroyed, or removed, as the case may require; provided always, that all such rules and byelaws shall be approved by her majesty, with the advice of her privy council, and all the said rules and byelaws, when so approved and confirmed, and until annulled or altered by the like authority, shall be binding on all persons as if the same had been herein enacted.

Board of Trade
empowered to
make byelaws
for protection
of fisheries.

5. And be it enacted, that the said rules and byelaws, when approved as aforesaid, shall be printed, and a copy of the same shall be deposited with the

Publication of
byelaws.

* The 13 & 14 Car. 2, c. 28, is repealed by the Sea Fisheries Act, 1868, s. 71.

clerk of the peace for each county adjoining the seas in which such rules and byelaws are proposed to be enforced, and in the islands of Guernsey, Jersey, Sark, Alderney, and Man, and with all the collectors of the customs and coast-guard officers at the different stations, and in such and so many places as to the lords of the said committee shall seem fit; and printed copies of the said rules and byelaws shall be provided by the lords of the said committee, and sold at a price not exceeding one shilling for each copy; and notice, both of the publication of the same, and the place or places where the same may be bought, shall be given for three calendar months subsequent to the publication thereof in such of the metropolitan and provincial newspapers as the lords of the said committee shall appoint; and for the purpose of convicting any person offending against the said rules and byelaws, a printed copy of such rules and byelaws obtained from the office of any clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be taken as evidence of such rules and byelaws, and the due publication thereof.

Articles may be suspended in Ireland while there is no mixed fishery there. 5 & 6 Vict. c. 106.

6. And whereas an act was passed in the last session of parliament, intituled "An Act to regulate the Irish Fisheries," and it is not expedient to interfere with the provisions of the said act further than is necessary for giving full effect to the said convention and articles; be it enacted, that it shall be lawful for the lords of the said committee, by a rule or rules to be made by them from time to time, and approved of by her majesty with the advice of her privy council, to suspend the operation of the said articles and of this act, or such part of them as to them shall seem fit, with respect to the fisheries on the coast of Ireland, or on any part thereof, so long as such fisheries shall be carried on exclusively by the subjects of her majesty, and also, with the like approval, to make such byelaws as to them shall seem fit for enforcing the said articles and this act, on the said coast of Ireland, or on any part thereof, as soon as the same shall be frequented for the purpose of fishery by French fishermen.

Rules and byelaws to be laid before Parliament.

7. And be it enacted, that all rules and byelaws made by the lords of the said committee in pursuance of this act shall be laid before parliament within six weeks next after the approval thereof by her majesty, if parliament be then sitting, or if not, then within six weeks next after the next meeting of parliament.

* * * * *

Officers and men of her majesty's cruisers and officers and men of revenue and coastguard service, empowered to enforce the provisions of this act.

9. And be it enacted, that it shall be lawful for the officers and men employed in her majesty's navy or revenue service, and in the coastguard service, and such other persons as shall be appointed for that purpose by the lords of the said committee, to execute for the purposes of this act, on sea or on land, the warrants of any justice or justices of the peace as fully as any person authorized to execute warrants of any justice of the peace may now execute the same on land within their respective districts, and also to do all such other acts on sea or on land, in relation to the preservation of the peace among persons engaged in fishing, and the enforcement of the provisions of this act, as any constable may lawfully do within the limits of his jurisdiction.

Penalty for obstructing persons on duty.

10. And be it enacted, that every person assaulting, resisting, or wilfully obstructing any other person, duly authorized under the provisions of this act to enforce the execution of the said articles, in the performance of his duty, on conviction before any magistrate or justice of the peace by the oath of any credible witness, or upon his own confession, shall be liable to a penalty not more than five pounds, or may be imprisoned, with or without hard labour, for any time not longer than twenty-one days.

* * * * *

Who shall have cognizance of offences by French subjects within the British fishery limits.

12. And be it enacted, that all offences against the said articles, or against any rule or byelaw made in pursuance of this act, committed by any subject of the king of the French, or any person serving on board any French fishing boat or vessel, within the limits within which the general right of fishery is by the said articles exclusively reserved to the subjects of her majesty, may be heard and determined upon the oath of any credible witness or witnesses, or upon the confession of the party accused, by any magistrate or justice of the peace having jurisdiction in the county or place in which or in the waters adjacent to which the offence shall have been committed or to which the offender shall be brought; and the offender, upon conviction, shall pay such penalty not exceeding ten pounds as the magistrate or justice of the peace shall award, or instead of awarding a pecuniary penalty, and also in case of the non-

payment of any pecuniary penalty awarded, it shall be lawful for the magistrate or justice of the peace to order that the vessel to which the offender belongs shall be detained for any period not exceeding three calendar months.

13. And be it enacted, that whenever any subject of the king of the French, or any person serving on board any French fishing boat or vessel, charged with any transgression against the said convention and articles, shall be brought into any British port pursuant to the sixty-fifth article, in order that the offence may be duly established, it shall be lawful for the person by whom such supposed offender shall be so brought, or for any person acting under his authority, to take such supposed offender forthwith before a magistrate or justice of the peace, and all constables and peace officers and others shall be required, if necessary, to give their assistance for that purpose; and it shall be lawful for the magistrate or justice of the peace before whom any such supposed offender shall be brought to inquire by all lawful ways and means into the case; and a copy of the depositions, minutes of proceedings, and all other documents concerning the transgression shall be authenticated under the hand of the collector of customs, and shall be sent by him to the British consular agent residing in the port to which the offender's boat or vessel belongs.

Proceedings in case of offences by French subjects beyond the British fishery limits.

14. And be it enacted, that in all cases where the breach of any of the said articles, or of any such rules or byelaws, by any of the subjects of the king of the French, within the limits within which the general right of fishery is by the said articles exclusively reserved to the subjects of her majesty, or by any of her majesty's subjects, whether or not within the said limits, shall have caused any loss or damage to any other party or parties, it shall be lawful for any magistrate or justice of the peace before whom the offence shall be inquired into to take evidence of such loss or damage, and to award compensation to the injured party, and to enforce payment of such compensation, in like manner as the payment of any pecuniary penalty for any offence against the said articles may be enforced.

Compensation for damage.

15. And be it enacted, that whenever any fishing boat, rigging, gear, or any other appurtenance of any fishing boat, or any net, buoy, float, or other fishing implement, shall have been found or picked up at sea and brought into a British port, and shall not be forthwith delivered to the collector of customs, pursuant to the sixty-first article, it shall be lawful for any magistrate or justice of the peace, on application of the said collector, to issue his warrant for delivering of the said articles to such collector, who shall take possession of the same, and deliver the same to the owner thereof or his representative, on payment to him, for behoof of the salvors, of such compensation as the said collector shall award pursuant to the sixty-second article.

Salvage for boats, &c. picked up at sea.

16. And be it enacted, that no conviction under this act shall be quashed, set aside, or adjudged void or insufficient for want of form only, or liable to be removed, by certiorari or otherwise, into her majesty's Court of Queen's Bench, or any other of her majesty's courts of record, but every such conviction shall be final to all intents and purposes unless the same shall be reversed on appeal as hereinafter provided: provided always, that no person shall be convicted of any offence committed against the provisions of this act unless the prosecution for the same shall be commenced within three calendar months from the time of the commission of such offence.

Conviction not to be quashed for want of form.

17. And be it enacted, that in any case of a summary conviction before any magistrate or justice of the peace, any person who shall think himself aggrieved by the conviction may appeal to the court of general or quarter sessions of the peace to be next holden for the county or place wherein the cause of complaint shall have arisen, if such court shall not be holden within twenty-one days next after such conviction, otherwise to the next court but one, provided that such person at the time of the conviction, or within forty eight hours thereafter, shall enter into a recognizance, with two sufficient securities conditioned personally to appear at the said session, to try such appeal, and to abide the further judgment of the court at such session, and to pay such costs as shall be by the last-mentioned court awarded; and it shall be lawful for the magistrate or justice of the peace by whom such conviction shall have been made to bind over the witnesses who shall have been examined in sufficient recognizances to attend and be examined at the hearing of such appeal, and that every such witness, on producing a certificate of his being so bound, under the hand of the said magistrate or justice of the peace, shall be allowed compensation for his time, trouble, and

Appeal.

7 G. 4, c. 64.

Meaning of
"British
port."

expenses in attending the appeal, which compensation shall be paid, in the first instance, by the treasurer of the county or borough, in like manner as in cases of misdemeanor, under the provisions of an act passed in the seventh year of the reign of King George the fourth, intituled "An Act for Improving the Administration of Criminal Justice in England"; and in case the appeal shall be dismissed, and the conviction affirmed, the reasonable expenses of all such witnesses attending as aforesaid, to be ascertained by the court, shall be repaid to the treasurer of the county or borough by the appellant.*

18. And be it enacted, that in this act the words "British port" shall be construed to mean any port of Great Britain or Ireland, or of any of the said islands.

SCHEDULE to which the foregoing Act refers.

REGULATIONS for the guidance of the Fishermen of Great Britain and of France, in the seas lying between the coasts of the two countries; prepared in pursuance of the provisions of the eleventh article of the Convention concluded at Paris on the 2nd of August, 1839, between her Majesty and the King of the French.

DECLARATION.

The undersigned, her Britannic majesty's principal secretary of state for foreign affairs on the one part, and the ambassador extraordinary of his majesty the king of the French at the court of London on the other part, having examined the annexed regulations for the guidance of the fishermen of Great Britain and of France in the seas lying between the coasts of the two countries, which regulations have been prepared, in pursuance of the provisions of the eleventh article of the convention concluded at Paris on the 2nd of August, 1839, between her Britannic majesty and his majesty the king of the French, by the two commissioners duly authorized to that effect by their said majesties, have, in the name and on the behalf of her majesty the queen of the United Kingdom of Great Britain and Ireland, and of his majesty the king of the French, and by virtue of their respective full powers, approved and confirmed, and do by these presents approve and confirm, the said regulations; reserving to their respective governments, conformably to the terms of the above-mentioned article, to propose, if necessary, to the legislatures of both countries the measures which may be required for carrying the said regulations into execution.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seals of their arms.

Done at London, the twenty-third day of June in the year of our Lord one thousand eight hundred and forty-three.

(L. S.) ARBERN.
(L. S.) STE. AULAIRE.

The undersigned, namely,—

On the part of the United Kingdom of Great Britain and Ireland, Anthony Perrier, Esquire, her Britannic majesty's consul for the departments of Finistère, Morbihan, and Côtes du Nord in France;

And on the part of the kingdom of France, François Lange, knight of the Royal Order of the Legion of Honour and commissary of marine of the first class;

Duly appointed and authorized by their respective governments to act as commissioners for the purpose of preparing a set of regulations for the guidance of the fishermen of the two countries, in the seas lying between the coasts of the United Kingdom and those of the kingdom of France, in conformity with Article XI. of the convention between Great Britain and France, signed at Paris on the 2nd August, 1839:

Have agreed upon the following articles, which they submit to their respective governments for approval and confirmation:—

ARTICLE I.—British and French subjects fishing in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland and those of the kingdom of France shall conform to the following regulations.

* See 7 Geo. 4, c. 64, s. 24.

ARTICLE II.—The limits within which the general right of fishery is exclusively reserved to the subjects of the two kingdoms respectively are fixed (with the exception of those in Granville Bay) at three miles distance from low-water mark.

With respect to bays, the mouths of which do not exceed ten miles in width, the three mile distance is measured from a straight line drawn from headland to headland.

ARTICLE III.—The miles mentioned in the present regulations are geographical miles, of which sixty make a degree of latitude.

ARTICLE IV.—The fishery limits of Granville Bay, established upon special principles, are defined in the first article of the convention of the second of August one thousand eight hundred and thirty-nine, as follow :

The lines drawn between the points designated by the letters A., B., C., D., E., F., G., H., I., K., on the chart annexed to the convention are acknowledged as defining the limits between which and the French shore the oyster fishery shall be reserved exclusively to French subjects ; and these lines are as follow ; that is to say :—

The first line runs from the point A., three miles from low-water mark (point Meinga bearing south), to the point B., of which the land marks are Agon Tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the signal post on Grand Isle.

The second line runs from the said point B., towards Agon Tower and the clump of trees upon Mount Huchon in the direction north, sixty-four degrees east, until at the point C. it brings the windmill of Lingreville to bear due east.

The third line runs from point C., due east towards Lingreville windmill until the Grand Huguenant is brought to bear on the Etat rock at point D.

The fourth line runs from point D. northward, and keeping the Grand Huguenant in one with the Etat rock, until it intersects at E. a line whose land marks are Agon Tower on with Coustances Cathedral.

The fifth line runs eastward from point E. to point F., where the steeple of Pirou is brought to bear in a line with the Senequet rock.

The sixth line runs from point F., due north, to point G., where the steeple of Blainville is brought in a line with the Senequet rock.

The seventh line runs from point G. (in the direction of Pirou steeple) to point H., where the lighthouse on Cape Carteret bears north, twenty-four degrees west.

The eighth line runs from point H. to point I. nearly abreast of Port Bail ; point I. having for land marks the fort of Port Bail in a line with the steeple of Port Bail.

And finally, the ninth line runs from point I. to the Three Grunes at point K., where Cape Carteret bears east, ten degrees north, in a line with Barneville church.

All the bearings specified in the present article are to be taken according to the true meridian, and not according to the magnetic meridian.

ARTICLE V.—It is forbidden to British fishermen to set their nets or to fish in any manner whatsoever within the French limits ; and it is equally forbidden to French fishermen to set their nets or to fish in any manner whatsoever within the British limits.

ARTICLE VI.—All French fishing boats shall be numbered.

There shall be a series of numbers for the fishing boats belonging to each district of maritime registry in France ; and to these numbers shall be prefixed the initial letters of the names of the respective collectorships or districts.

ARTICLE VII.—Whereas there are in the United Kingdom several collectorships of customs, and in France several districts of maritime registry, the names of which begin with the same letter, in which case the initial letter alone would not suffice ; the distinguishing letter or letters for the boats of each collectorship or district shall be designated by the Board of Customs in the United Kingdom, and by the Ministry of Marine in France.

ARTICLE VIII.—The letters and numbers shall be placed on each bow of the

boat, three or four inches (eight or ten centimètres French) below the gunnel, and they shall be painted in white oil colour on a black ground.

For boats of fifteen tons burthen and upwards, the dimensions of these letters and numbers shall be eighteen inches (forty-five centimètres French) in height, and two and a half inches (six centimètres French) in breadth.

For boats of less than fifteen tons burthen, the dimensions shall be ten inches (twenty-five centimètres French) in height, and one and three quarter inch (four centimètres French) in breadth.

The same letters and numbers shall also be painted on each side of the main sail of the boat in black oil colour on white sails, and in white oil colour on tanned or black sails.

These letters and numbers on the sails shall be one third larger in every way than those placed on the bows of the boat.

ARTICLE X.—All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letters and numbers as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of nets or other fishing implements may further distinguish them by any private marks they judge proper.

ARTICLE XI.—

The letters and numbers of French fishing boats shall be inserted on the muster rolls of those boats, after being entered in the registry book kept at the maritime registry office.

ARTICLE XII.—The licences of British fishing boats and the muster rolls of French fishing boats shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

ARTICLE XIII.—The fishermen of both countries shall, when required, exhibit their licences or muster rolls to the commanders of the fishing cruisers, and to all other persons of either country, appointed to superintend the fisheries.

ARTICLE XIV.—The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the said boat, in letters which shall be at least three inches (eight centimètres French) in height, and half an inch (twelve millimètres French) in breadth.

ARTICLE XV.—It is forbidden to efface, cover, or conceal, in any manner whatsoever, the letters, numbers, and names placed on the boats and on their sails.

ARTICLE XVI.—Trawl fishing may be carried on during all seasons in the seas lying between the fishery limits which have been fixed for the two countries.

ARTICLE XVII.—Trawls shall be made with nets, the meshes of which shall be at least one inch and three-quarters (forty-five millimètres French) square, from knot to knot, along the line.

ARTICLE XVIII.—The length of the wooden yard or beam to which the upper part of the mouth of each trawl-net shall be fastened shall not exceed thirty-eight feet (eleven mètres five hundred millimètres French).

ARTICLE XIX.—The under part of the trawl-net, to a length of ten feet (three mètres French) from its extremity, may be strengthened by rubbing pieces made of old nets; but these rubbing pieces shall be so fastened that they shall not cross or narrow the meshes of the trawl-net, which must always remain at least one inch and three quarters (forty-five millimètres French) from knot to knot, along the line, open and unobstructed.

ARTICLE XX.—The size of the meshes of any supplementary nets which may be added to trawls shall be at least two inches (fifty millimètres French) square, from knot to knot along the line.

ARTICLE XXI.—Such supplementary nets shall be so fitted as not to cross or narrow the meshes of the trawl-net, which must always remain at least one inch and three quarters (forty-five millimètres French) from knot to knot, along the line, open and unobstructed.

ARTICLE XXII.—The total weight of the two irons or headpieces of a trawl shall not exceed two hundred and eighty-seven pounds (one hundred and thirty kilogrammes French).

ARTICLE XXIII.—The total weight of iron chains or leads used for loading the ground rope of a trawl shall not exceed one hundred and ten pounds (fifty kilogrammes French).

ARTICLE XXIV.—Trawl fishing is forbidden in all places where there are boats engaged in herring or mackerel drift-net fishing.

ARTICLE XXV.—Trawl boats shall always keep at a distance of at least three miles from all boats fishing for herrings or mackerel with drift-nets.

ARTICLE XXVI.—Whenever herring or mackerel boats shall commence drift-net fishing in any place whatever, the trawl boats which may be already fishing in such place shall depart therefrom, and shall keep at a distance of at least three miles from the said drift-net herring or mackerel boats.

ARTICLE XXVII.—Herring fishing is free all the year round.

ARTICLE XXVIII.—The meshes of all nets used for herring fishing shall not be less than one inch (twenty-five millimètres French) square, from knot to knot, along the line.

ARTICLE XXIX.—Whenever decked herring boats and undecked herring boats shall commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats, except they should prefer going to leeward, to a distance of at least half a mile, to shoot their nets.

ARTICLE XXX.—The decked boats on their part shall shoot their nets to leeward of the undecked boats, unless they prefer going to windward, to a distance of at least half a mile, to shoot their nets.

ARTICLE XXXI.—When decked boats shall arrive on grounds where fishing is already begun by other boats, amongst which shall be undecked boats, the decked boats so arriving shall shoot their nets to leeward of the undecked boats, except they should prefer going to windward, to a distance of at least half a mile, to shoot their nets.

ARTICLE XXXII.—When undecked boats shall arrive on grounds where fishing is already begun by other boats, amongst which shall be decked boats, the undecked boats so arriving shall shoot their nets to windward of the decked boats, except they prefer going to leeward, to a distance of at least half a mile, to shoot their nets.

ARTICLE XXXIII.—If, however, it should happen that the spot where fishing is going on, and consequently where the herrings are, should be so near to the fishery limits of one of the two countries that the boats of the other country would, by observing the above-mentioned regulations, be prevented from taking part in the fishery, the said boats of the other country shall be at liberty to shoot their nets at a less distance than that prescribed in the preceding articles for decked and undecked boats; but such fishermen as may take advantage of this permission shall be responsible for any damage or losses which their drifting may cause to the other boats.

ARTICLE XXXIV.—Fishermen of the one country shall not avail themselves of the circumstances mentioned in the preceding article, nor of any other circumstances whatsoever, to shoot their nets within the fishery limits of the other country.

ARTICLE XXXV.—Whenever set nets are employed for the purpose of taking herrings, the boats engaged in this fishery shall always remain over their nets.

These boats shall moreover be bound to observe the prohibition contained in Article LVII. in favour of drift-net fishing.

ARTICLE XXXVI.—Mackerel fishing is free all the year round.

ARTICLE XXXVII.—The meshes of all nets used for mackerel fishing shall not be less than one inch and one sixth (thirty millimètres French) square, from knot to knot, along the line.

ARTICLE XXXVIII.—It is forbidden to all fishermen to load the lower parts of mackerel drift nets with leads or stones.

ARTICLE XXXIX.—Boats going to fish for mackerel with drift-nets are required when they shall arrive on the fishing ground, to lower all sails to show that they have taken their berths.

ARTICLE XL.—The boats mentioned in the preceding article shall keep three quarters of a mile at least apart from one another when they shoot their nets.

ARTICLE XLI.—The meshes of nets known by the name of Bratt nets shall not be less than four inches and one third (eleven centimètres French) square, from knot to knot, along the line.

ARTICLE XLII.—The meshes of the middle nets of trammels shall be at least two inches (five centimètres French) square, from knot to knot, along the line.

The meshes of both of the outer nets of trammels shall be at least six inches (fifteen centimètres French) square, from knot to knot, along the line.

ARTICLE XLIII.—Fishermen using Bratt nets, trammels, and other set or anchored nets shall place buoys on such nets, in order that vessels sailing in those places may avoid them.

ARTICLE XLIV.—Such Bratt nets, trammels, or other set or anchored nets shall not, except in unavoidable cases, remain more than twenty-four hours in the sea without being taken up.

ARTICLE XLV.—Oyster fishing shall open on the first of September, and shall close on the thirtieth of April.

ARTICLE XLVI.—From the first of May to the thirty-first of August no boat shall have on board any dredge or other implement whatsoever for catching oysters.

ARTICLE XLVII.—It is forbidden to dredge for oysters between sunset and sunrise.

ARTICLE XLVIII.—The fishermen shall cull the oysters on the fishing ground, and shall immediately throw back into the sea all oysters less than two and a half inches (six centimètres French) in the greatest diameter of the shell, and also all sand, gravel, and fragments of shells.

ARTICLE XLIX.—It is forbidden to throw into the sea on oyster fishing grounds the ballast of boats, or any other thing whatsoever which might be detrimental to the oyster fishery.

ARTICLE L.—For the purpose of distinguishing by day drift-net fishing boats from trawl boats, both shall carry at the masthead vanes, which shall be at least eight inches (twenty centimètres French) in height, and two feet (sixty-one centimètres) in length.

The colours of these vanes shall be, for—

British trawl boats, red;
French trawl boats, blue;
British drift boats, white and red;
French drift boats, white and blue.

It is understood that the vanes of drift boats shall be divided vertically into two equal parts, of which the white shall be nearest to the mast.

ARTICLE LI.—It is forbidden to all other fishing boats to carry vanes similar to those mentioned in the preceding article.

ARTICLE LII.—It is forbidden to all boats to anchor between sunset and sunrise on grounds where herring or mackerel drift-net fishing is going on.

This prohibition does not apply to anchorages which may take place in consequence of accidents or any other compulsory circumstances, but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about three feet (one mètre French) apart, and shall keep these lights up all the time the boat shall remain at anchor.

ARTICLE LIII.—In order that boats fishing with drift-nets may be easily recognized at night, the masters of these boats shall hoist on one of their masts two lights, one over the other, three feet (one mètre French) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise.

ARTICLE LIV.—All fishermen are forbidden, except in cases of absolute necessity, to show lights under any other circumstances than those mentioned in the present regulations.

ARTICLE LV.—The meshes of the various nets before mentioned shall be of the prescribed dimensions, measured when the net is wet.

ARTICLE LVI.—It is forbidden to use nets for any other kind of fishing than that for which each of those nets may be lawfully employed, with respect to the size of its meshes, or of its fittings.

ARTICLE LVII.—It is forbidden to set or anchor nets, or any other fishing implement, in any place where herring or mackerel drift-net fishing is going on.

ARTICLE LVIII.—No boat shall be made fast or held on to the nets, buoys, floats, or to any part of the fishing tackle, belonging to another boat.

ARTICLE LIX.—It is forbidden to all persons to hook or lift up the nets, lines, or other fishing implements belonging to others, under any pretence whatsoever.

ARTICLE LX.—When nets of different boats get foul of each other, the masters of the said boats shall not cut them, except by mutual consent, unless it shall have been found impossible to clear them by other means.

ARTICLE LXI.—All fishing boats, all rigging, gear, or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the collector of customs, if the article saved be taken into England, and to the commissary of marine, if the article saved is taken into France.

ARTICLE LXII.—The collector of customs, or the commissary of marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries may, when the circumstances are such as to call for it, award to the salvors a suitable compensation for their trouble and care.

This compensation, which shall in no case exceed one fourth of the actual value of the articles saved, shall be paid by the owners.

ARTICLE LXIII.—The execution of the regulations concerning the fittings of nets and the size of their meshes, the weight and dimensions of fishing instruments, and, in short, concerning everything connected with the implements of fishing, is placed, with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruisers and agents of their own nation.

Nevertheless, the commanders of the cruisers of each nation shall mutually acquaint the commanders of the other nation with any transgressions of the above-mentioned regulations committed by the fishermen of the other nation which may come to their knowledge.

ARTICLE LXIV.—Infractions of regulations concerning the placing of boats, the distances to be observed, the prohibition of certain fisheries by day or by night, or during certain periods of the year, and concerning every other operation connected with the act of fishing, and more particularly as to circumstances likely to cause damage, shall be taken cognizance of by the cruisers of both nations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE LXV.—The commanders of cruisers of both countries shall exercise their judgment as to the causes of any transgressions committed by British or French fishing boats in the seas where the said boats have the right to fish in common; and when the said commanders shall be satisfied of the fact of the transgression, they shall detain the boats having thus infringed the established regulations, and may take them into the port nearest to the scene of the occurrence, in order that the offence may be duly established, as well by comparing the declarations and counter declarations of parties interested, as by the testimony of those who may have witnessed the facts.

ARTICLE LXVI.—When the offence shall not be such as to require exemplary punishment, but shall, nevertheless, have caused injury to any fisherman, the commanders of cruisers shall be at liberty, should the circumstances admit of it, to arbitrate at sea, between the parties concerned, and on refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding article.

ARTICLE LXVII.—Every fishing boat which shall have been taken into a foreign port, under either of the two preceding articles, shall be sent back to her own country for trial as soon as the transgression for which she may have been detained shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than four days.

ARTICLE LXVIII.—The depositions, minutes of proceedings, and all other documents concerning the transgression, after being authenticated by the collector of customs, or by the commissary of marine, according to the country into which the boat may have been taken, shall be transmitted by that functionary to the consular agent of his nation residing in the port where the trial is to take place.

This consular agent shall communicate these documents to the collector of customs, if in the United Kingdom, or to the commissary of marine, if in France; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen, he shall proceed with the affair before the competent tribunal or magistrates.

ARTICLE LXIX.—All transgressions of these regulations established for the protection of fisheries in the seas lying between the coasts of the British islands and those of France shall, in both countries, be submitted to the exclusive jurisdiction of the tribunal or the magistrates which shall be designated by law.

This tribunal, or these magistrates, shall also settle all differences, and decide all contentions, whether arising between fishermen of the same country, or between fishermen of the two countries, and which cannot have been settled by the commanders of cruisers, or by the consular agents and the collectors of customs, or commissaries of marine, according to the country.

The above-mentioned jurisdiction shall not, however, be understood to apply to murder, felony, or any other grave crime; all such crimes remaining subject to the ordinary laws of each country respectively.

ARTICLE LXX.—The trial and judgment of the transgressions mentioned in the preceding article shall always take place in a summary manner, and at as little expense as possible.

ARTICLE LXXI.—In both countries the competent tribunal or magistrates shall be empowered to adjudge the following penalties for offences against the regulations committed by fishermen subject to their jurisdiction:—

First. Forfeiture and destruction of nets or other fishing implements which are not conformable to the regulations.

Secondly. Fines from eight shillings (ten francs) to ten pounds sterling (two hundred and fifty francs), or imprisonment for not less than two days, and not more than one month.

ARTICLE LXXII.—The use of nets or other fishing implements of which the fittings, size of meshes, dimensions, or weight shall not be conformable to the regulations established for each kind of fishery shall subject the said nets or implements to seizure and destruction, and the offenders to a fine of not less than eight shillings (ten francs) nor more than three pounds sterling (seventy-five francs), or to imprisonment from two to ten days.

In cases of repetition of the offence, the fine or imprisonment may be doubled.

ARTICLE LXXIII. All persons shall be condemned to a fine of from eight shillings to five pounds sterling (ten francs to one hundred and twenty-five francs), or to imprisonment from five to fifteen days, who either by night or by day, conjointly or separately, shall offend against the measures established by the regulations for the preservation of peace and good order, and specifically against those concerning—

First. The letters, numbers, and names to be placed on the boats and their sails, and on nets, buoys, &c.

Secondly. The vances to be carried by the boats.

Thirdly. The distances to be observed between the boats.

Fourthly. The placing and anchoring of boats.

Fifthly. The placing or shooting of nets, and taking them up.

Sixthly. The clearing of nets.

Seventhly. The placing of buoys upon nets.

Eighthly. Lastly, the lights to be shown.

In cases of repetition of any of these offences, the fine or imprisonment may be doubled.

ARTICLE LXXIV.—In all cases of assault committed at sea by fishermen on other fishermen, or whenever they shall have intentionally caused damages or loss, the competent tribunal or magistrates may condemn the delinquents to a term of imprisonment not exceeding twenty days, or to a fine not exceeding five pounds sterling (one hundred and twenty-five francs).

Should there have been at the same time any infringement of the regulations, the imprisonment or fine above mentioned may be awarded over and above the penalties to which the said infringement shall have given rise.

ARTICLE LXXV.—The competent tribunal or magistrates shall, when the circumstances are such as to call for it, award, over and above all penalties inflicted for offences against the regulations, the payment of damages to the injured parties, and shall determine the amount of such damages.

ARTICLE LXXVI.—The conditions under which the fishing boats of either of the

two countries shall be at liberty to come within the fishery limits of the other country are laid down in the following articles, which also specify and regulate the penalties to be inflicted for infraction of the said articles.

ARTICLE LXXXVII.—The competent tribunal or magistrates shall exclusively take cognizance (in the same manner as stipulated in Article LXIX.) of the infractions mentioned in Article LXXXVI.

ARTICLE LXXXVIII.—The putting into the Chausey Islands by British oyster fishing boats is regulated by the six following articles.

ARTICLE LXXXIX.—The putting into the Chausey Islands by British fishing boats in consequence of damage, evident bad weather, or any other compulsory circumstance, is a right confirmed by Article VII. of the convention of the second of August one thousand eight hundred and thirty-nine.

ARTICLE LXXX.—The expediency of putting in, under any of the circumstances mentioned in the preceding article, must naturally be determined by those fishermen who may find it necessary to avail themselves of this right.

Nevertheless, whenever the British fishing boats shall be able to communicate with the commander of the British station, they shall not put in until they are authorized so to do by the said commander's hoisting the following signal,—a blue ensign at the mast-head.

ARTICLE LXXXI.—The commander of the English station may, when he shall consider this measure necessary, authorize the weaker boats, which are consequently the most exposed to the effects of bad weather, to put into the Chausey Islands whilst the other boats shall continue to fish.

This permission shall be made known by the following signal,—a red ensign at the mast-head.

ARTICLE LXXXII.—When the commander of the English station shall have authorized the whole or part of the British boats to seek shelter in the Chausey Islands, in consequence of the above-mentioned causes, he shall give notice thereof immediately afterwards to the French cruisers by means of the following signals; viz.—

For the anchorage of all the boats (provided for in Article LXXX.), a blue peter placed under the blue ensign at the mast-head.

For the anchorage of the weaker boats (provided for in Article LXXXI.), a blue peter placed under the red ensign at the mast-head.

ARTICLE LXXXIII.—Whenever the appearance of the weather, although it be not actually stormy at the time, yet shall be so threatening that boats could not gain shelter of the British channel islands before it comes on, the British commander, taking on himself the responsibility of the measure, may authorize the said boats to anchor at Chausey, by hoisting a blue peter.

This permission shall, at the same time, be made known to the French cruisers by means of a French flag hoisted at the mast-head over the said blue peter.

These flags shall not be hauled down until the French cruisers shall have understood the signal, and answered it by hoisting, also at the mast-head, an English flag.

ARTICLE LXXXIV.—When British fishing boats put into Chausey they shall keep together in the same part of the anchorage.

Should any compulsory circumstances prevent their doing so, the commander of the English station shall inform the French station thereof by hoisting, in addition to the flags flying to announce the putting in of the boats, an union jack under the said flags.

ARTICLE LXXXV.—The fishing boats of the one country shall not approach nearer to any part of the coasts of the other country than the limit of three miles, specified in Article IX. of the convention signed at Paris on the second of August one thousand eight hundred and thirty-nine, except under the following circumstances:—

First. When driven by stress of weather or by evident damage to seek shelter in the harbours, or within the fishery limits of the other country.

Secondly. When carried within the limits established for the fishery of the other country by contrary winds, by strong tides, or by any other cause independent of the will of the master and crew.

Thirdly. When obliged by contrary winds or tide to beat up in order to reach their fishing ground; and when, from the same cause of contrary

wind or tide, they could not, if they remained outside, be able to hold on their course to their fishing ground.

Fourthly. When, during the herring fishing season, the herring fishing boats of the one country shall find it expedient to anchor under shelter of the coasts of the other country, in order to await a favourable opportunity for proceeding to their lawful fishery outside of the limits defined by Article LX. of the convention of the second of August one thousand eight hundred and thirty-nine.

ARTICLE LXXXVI.—Whenever, in any of the cases of exception specified in the preceding article, the fishing boats of either nation shall have occasion to sail or anchor within the limits defined by the convention of the second of August one thousand eight hundred and thirty-nine, the masters of such boats shall immediately hoist a blue flag, two feet high and three feet long, and shall keep this flag flying at the masthead so long as they shall remain within the said limits; consequently this flag shall not be hauled down until the boats are actually outside of those limits.

These boats, when within the aforesaid limits, are not only prohibited from fishing themselves, but are also forbidden to send their small boats to fish, even outside of the limits in question. They must all (with the exception of herring boats which may be waiting, as they have the privilege of doing, for a favourable opportunity to proceed to their lawful fishery,) return outside the said limits, so soon as the causes shall have ceased which obliged them to come in under the cases of exception specified.

It is further agreed, conformably to the tenor of the present regulations, that the fishing boats of the one country shall not use the ports of the other country for the greater convenience of their fishery operations, either in proceeding from thence to their lawful fishery in the seas common to both, or in returning thereunto after fishing; it being understood, however, that this stipulation does not in any manner impair the right of putting into port in the cases of exception specified in Article LXXXV.

ARTICLE LXXXVII.—It is forbidden to herring drift-net fishing boats to shoot their nets earlier in the day than half an hour before sunset, except in places where it is customary to carry on this drift-net fishing by daylight.

ARTICLE LXXXVIII.—Herring fishermen, being within the fishery limits of either country, shall comply with the laws and regulations of the said country respecting the prohibition of fishing on the sabbath day.

ARTICLE LXXXIX.—The commanders of the cruisers of each of the two countries, and all officers or other agents whatsoever appointed to superintend the fisheries, shall exercise their judgment as to the causes of any transgressions committed by the fishing boats of the other country, and when they shall be satisfied of the fact of the transgression, they shall detain or cause to be detained the boats having thus transgressed the preceding regulations (from Article LXXVI.), and shall take them or cause them to be taken into port, where, upon clear proof of the transgression being brought by the detaining party before the competent tribunal or magistrates, the said boats so transgressing may be condemned to be kept for a period not exceeding three months, or to a fine not exceeding ten pounds sterling (two hundred and fifty francs).

In testimony whereof the respective commissioners have signed the present regulations, and have thereto affixed their seals.

Done in London, the twenty-fourth day of May in the year of our Lord one thousand eight hundred and forty-three.

(L.S.)	ANTHONY PERRIER.
(L.S.)	F. LANGE.



40 & 41 Vict. c. 44.

An Act to make Provision respecting the Superannuation Allowance of Officers whose Salaries were formerly payable out of the Mercantile Marine Fund.

[10th August, 1877.]

WHEREAS by section thirty-nine of the Merchant Shipping Act, 1876, the salaries of surveyors appointed under the Merchant Shipping Acts, 1854 to 1876, and of persons employed under the Passengers Act, 1855, which were formerly payable out of the Mercantile Marine Fund, were directed to be paid, after the first day of January one thousand eight hundred and seventy-seven, out of moneys provided by Parliament, but no provision was made with respect to the superannuation allowances of those of the said surveyors and persons whose salaries had been previously paid out of the Mercantile Marine Fund, and it is expedient to make such provision: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act may be cited as "The Superannuation (Mercantile Marine Fund Officers) Act, 1877." Short title.

2. Where any superannuation or other retiring allowance was previously to the first day of January one thousand eight hundred and seventy-seven payable out of the Mercantile Marine Fund to any person in respect of his service as a surveyor appointed under the Merchant Shipping Acts, 1854 to 1876, or of his employment under the Passengers Act, 1855, such allowance shall be payable, and be deemed to have been payable, on and after the said first day of January one thousand eight hundred and seventy-seven, out of moneys provided by Parliament.

Transfer of existing pensions to money to be provided by Parliament.

17 & 18 Vict. c. 104.

39 & 40 Vict. c. 80.

18 & 19 Vict. c. 119.

Grant of pension to existing officers.

3. Where a surveyor appointed under the Merchant Shipping Acts, 1854 to 1876, or a person employed under the Passengers Act, 1855, was immediately previous to the first day of January one thousand eight hundred and seventy-seven receiving a salary out of the Mercantile Marine Fund, and since that date has in pursuance of section thirty-nine of the Merchant Shipping Act, 1876, received such salary out of moneys provided by Parliament, the Commissioners of her Majesty's Treasury may grant to such surveyor or person, upon retirement or removal from his office or employment, the same superannuation allowance, gratuity, pension, or other allowance (if any), as might have been granted to him if he had continued to receive his salary out of the Mercantile Marine Fund; and in calculating the amount of such superannuation allowance, gratuity, pension, or other allowance, his service during the period that his salary was paid out of the Mercantile Marine Fund, and his service during the period that his salary was paid out of moneys provided by Parliament, shall be reckoned indifferently as the same service.

39 & 40 Vict. c. 80.

The 40 & 41 Vict. c. 56, which is entitled "An Act to amend the Laws relating to County Officers and to Courts of Quarter Session and Civil Bill Courts in Ireland," and the provisions of which confer admiralty jurisdiction as therein mentioned on the Chairman of Limerick and the Chairman of Waterford, and the Recorders of Londonderry and Galway, it is considered unnecessary to set out.

The 40 & 41 Vict. c. 57, which is entitled "An Act for the Constitution of a Supreme Court of Judicature and other purposes relating to the better Administration of Justice in Ireland," and which preserves the jurisdiction of the then existing judge of the Court of Admiralty in Ireland, it is considered unnecessary to set out



41 & 42 VICT. C. 73.

An Act to regulate the Law relating to the Trial of Offences committed on the Sea within a certain distance of the Coasts of her Majesty's Dominions. [16th August, 1878.]

WHEREAS the rightful jurisdiction of her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of her Majesty's dominions to such a distance as is necessary for the defence and security of such dominions: And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of her Majesty's dominions, by whomsoever committed, should be dealt with according to law: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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| Short title. | 1. This act may be cited as "The Territorial Waters Jurisdiction Act, 1878." |
| Amendment of the law as to the jurisdiction of the admiral. | 2. An offence committed by a person, whether he is or is not a subject of her Majesty, on the open sea within the territorial waters of her Majesty's dominions, is an offence within the jurisdiction of the admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly. |
| Restriction on institution of proceedings for punishment of offence. | 3. Proceedings for the trial and punishment of a person who is not a subject of her Majesty, and who is charged with any such offence as is declared by this act to be within the jurisdiction of the admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of her Majesty's principal secretaries of state, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of her Majesty out of the United Kingdom, except with the leave of the governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted. |
| Provisions as to procedure. | 4. On the trial of any person who is not a subject of her Majesty for an offence declared by this act to be within the jurisdiction of the admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the secretary of state or governor as is required by this act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one |

of her Majesty's principal secretaries of state as respects the United Kingdom, and by the governor as respects any other part of her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this act of the consent and certificate required by this act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this act.

5. Nothing in this act contained shall be construed to be in derogation of any rightful jurisdiction of her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships. Saving as to jurisdiction.

6. This act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this act to be within the jurisdiction of the admiral, such offence may be tried in pursuance of this act, or in pursuance of any other Act of Parliament, law, or custom relating thereto. Saving as to piracy.

7. In this act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to them; that is to say, Definitions.

"The jurisdiction of the admiral," as used in this act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this act to be within the jurisdiction of the admiral, the territorial waters adjacent to the United Kingdom, or any other part of her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer: "Jurisdiction of the admiral:"

"United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands: "United Kingdom:"

"The territorial waters of her Majesty's dominions," in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of her Majesty; and for the purpose of any offence declared by this act to be within the jurisdiction of the admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of her Majesty's dominions: "Territorial waters of her Majesty's dominions:"

"Governor," as respects India, means the governor general or the governor of any presidency; and where a British possession consists of several constituent colonies, means the governor general of the whole possession or the governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of governor shall be included under the term "Governor:" "Governor:"

- "Offence:" "Offence" as used in this act means an act, neglect, or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force:
- "Ship:" "Ship" includes every description of ship, boat, or other floating craft:
- "Foreign ship:" "Foreign Ship" means any ship which is not a British ship:
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42 & 43 VICT. c. 72.

An Act to provide for the re-hearing of Investigations into Shipping Casualties, and to amend the rules as to the mode of holding, and procedure at, such Investigations. [15th August, 1879.

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say:

1. This act may be cited as "The Shipping Casualties Investigations Act, 1879." Short title.

2. (1.) Where an investigation into the conduct of a master, mate, or engineer, or into a shipping casualty, has been held under the Merchant Shipping Act, 1854, or any act amending the same, or under any provision for holding such investigations in a British possession, the Board of Trade may, in any case, and shall, if new and important evidence which could not be produced at the investigation has been discovered, or if for any other reason there has in their opinion been ground for suspecting a miscarriage of justice, order that the case be re-heard, either generally or as to any part thereof, and either by the court or authority by whom it was heard in the first instance, or by the wreck commissioner, or in England or Ireland by a judge of her Majesty's High Court of Justice exercising jurisdiction in admiralty cases, or in Scotland by the senior lord ordinary, or any other judge in the court of session whom the lord president of that court may appoint for the purpose, and the case shall be so re-heard accordingly.

Re-hearing of and appeal against investigation into shipping casualty or misconduct of officer.
17 & 18 Vict. c. 104.

(2.) Where, in any such investigation, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made, or has been refused, an appeal shall lie from the decision to the following courts; namely,

- (a) If the decision is given in England or by a naval court, the Probate, Divorce and Admiralty Division of her Majesty's High Court of Justice;
- (b) If the decision is given in Scotland, either division of the court of session;
- (c) If the decision is given in Ireland, the High Court of Admiralty, or the judge or division of her Majesty's High Court of Justice exercising jurisdiction in admiralty cases.

(3.) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876 (a).

39 & 40 Vict. c. 80.

3. (1.) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only, but persons entered in any such list may be approved for any subsequent list. The list of those persons in force at the passing of this act shall continue in force until the end of the year one thousand eight hundred and eighty, but nothing in this section shall affect the power of the secretary of state to withdraw his approval of any name on any such list or to approve of any additional name.

Rules as to investigations into shipping casualties and misconduct of officers.

(2.) The assessor or assessors for each such investigation shall, instead of being appointed by the commissioner, justices, or other authority holding the investigation, be appointed in such manner and according to such regulations as may be from time to time prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

39 & 40 Vict. c. 80.

(3.) Where any such investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a

(a) See Supp. App. p. 196.

master, mate, or engineer, it shall be held with the assistance of not less than two assessors having experience in the merchant service.

17 & 18 Vict.
c. 104.
25 & 26 Vict.
c. 63.

(4.) A master, mate, or engineer shall not be required to deliver his certificate under section four hundred and thirty-eight of the Merchant Shipping Act, 1854, or section twenty-four of the Merchant Shipping Act, 1862, unless the certificate is suspended or cancelled, and the words "or is to be" in the latter of those sections are hereby repealed.

(5.) Investigations into shipping casualties shall be held in some town hall, assize or county court, public building, or in some other suitable place to be determined according to general rules made for the purpose by the lord high chancellor of Great Britain, and unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a court ordinarily used as a police court.

Rules to be
laid before
parliament.

4. Any general rule made in pursuance of this act shall be laid before both Houses of Parliament within thirty days after it is made, if parliament be then sitting, or if not, within thirty days after the commencement of the then next ensuing session.

Commence-
ment of act.

5. This act shall commence and come into operation on the first day of November one thousand eight hundred and seventy-nine: Provided that any rules which may be required for the purposes of this act may be made at any time before the commencement of this act, but, if so made, shall not come into operation until the commencement of this act.

43 & 44 VICT. c. 16.

An Act to amend the Law relating to the Payment of Wages and Rating of Merchant Seamen. [2nd August, 1880.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say.)

Short title and
construction.

1. This act may be cited as "The Merchant Seamen (Payment of Wages and Rating) Act, 1880."

17 & 18 Vict.
c. 104, &c.

This act shall be construed as one with "The Merchant Shipping Acts, 1854 to 1876," and those acts and this act may be cited collectively as "The Merchant Shipping Acts, 1854 to 1880."

Conditional
advance notes
illegal.

2. (1.) After the first day of August one thousand eight hundred and eighty-one, any document authorising or promising, or purporting to authorise or promise, the future payment of money on account of a seaman's wages conditionally on his going to sea from any port in the United Kingdom, and made before those wages have been earned, shall be void.

(2.) No money paid in satisfaction or in respect of any such document shall be deducted from a seaman's wages, and no person shall have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

17 & 18 Vict.
c. 104.

(3.) Nothing in this section shall affect any allotment note made under the Merchant Shipping Act, 1854 (b).

Amendment of
17 & 18 Vict.
c. 104, s. 169,
as to allotment
notes.
17 & 18 Vict.
c. 104.

3. (1.) Every agreement with a seaman which is required by the Merchant Shipping Act, 1854, to be made in the form sanctioned by the Board of Trade (c) shall, if the seaman so require, stipulate for the allotment of any part not exceeding one-half of the wages of the seaman in favour of one or more of the persons mentioned in section one hundred and sixty-nine of the Merchant Shipping Act, 1854, as amended by this section.

(b) See M. S. Act, 1854, s. 168.

(c) See M. S. Act, 1854, s. 149.

(2.) The allotment may also be made in favour of a savings bank, and in that case shall be in favour of such persons and carried into effect in such manner as may be for the time being directed by regulations of the Board of Trade, and section one hundred and sixty-nine of the Merchant Shipping Act, 1854, shall be construed as if the said persons were named therein. 17 & 18 Vict. c. 104.

(3.) The sum received in pursuance of such allotment by a savings bank shall be paid out only on an application made, through a superintendent of a mercantile marine office or the Board of Trade, by the seaman himself, or, in case of death, by some person to whom the same might be paid under section one hundred and ninety-nine of the Merchant Shipping Act, 1854. 17 & 18 Vict. c. 104.

(4.) A payment under an allotment note shall begin at the expiration of one month, or, if the allotment is in favour of a savings bank, of three months, from the date of the agreement, or at such later date as may be fixed by the agreement, and shall be paid at the expiration of every subsequent month, or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the date of payment.

(5.) For the purposes of this section "savings bank" means a savings bank established under one of the acts mentioned in the first schedule to this act.

4. In the case of foreign-going ships—

(1.) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one fourth of the balance due to him, whichever is least; and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday, fast day in Scotland, or bank holiday (d) after he so leaves the ship (e). Rules as to payment of wages.

(2.) The master of the ship may deliver the account of wages mentioned in section one hundred and seventy-one of the Merchant Shipping Act, 1854, to the seaman himself at or before the time when he leaves the ship instead of delivering it to a superintendent of a mercantile marine office. 17 & 18 Vict. c. 104.

(3.) If the seaman consents, the final settlement of his wages may be left to the superintendent of a mercantile marine office under regulations to be made by the Board of Trade, and the receipt of the superintendent shall in that case operate as a release by the seaman under section one hundred and seventy-five of the Merchant Shipping Act, 1854. 17 & 18 Vict. c. 104.

(4.) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof (f).

(5.) Where a question as to wages is raised before the superintendent of a mercantile marine office between the master or owner of a ship, and a seaman or apprentice, if the amount in question does not exceed five pounds, the superintendent may adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law he may refuse to decide it (g).

5. Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, every person, not being in her Majesty's service or not being duly authorized by law for the purpose, who— Penalty for being on board ship without permission

(a.) goes on board the ship, without the permission of the master, before

(d) See 34 & 35 Vict. c. 17, and 38 & 39 Vict. c. 13.

(e) See M. S. Act, s. 187.

(f) See M. S. Act, 1854, s. 187.

(g) See M. S. Act, 1854, s. 173.

before seamen
leave.

See 17 & 18
Vict. c. 104,
s. 237.

- the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or,
(b.) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the Customs,

shall for every such offence be liable on summary conviction to a fine not exceeding twenty pounds, or, at the discretion of the court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Board of Trade may take him into custody, and deliver him up forthwith to a constable to be taken before a court or magistrate capable of taking cognizance of the offence, and dealt with according to law (g).

Provisions
contained in
section five to
apply to ships
belonging to
foreign
countries in
certain cases.

6. Whenever it is made to appear to her Majesty—

- (1.) That the government of any foreign country has provided that unauthorized persons going on board of British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to the provisions contained in the last preceding section as applicable to persons going on board British ships at the end of their voyages; and
- (2.) That the government of such foreign country is desirous that the provisions of the said section shall apply to unauthorized persons going on board of ships belonging to such foreign country within the limits of British territorial jurisdiction;

her Majesty may, by order in council, declare that the provisions of the said last preceding section shall apply to the ships of such country; and thereupon so long as the order remains in force those provisions shall apply and have effect as if the ships of such country were British ships arriving, about to arrive, or which had arrived at the end of their voyage (h).

Rating of
seamen.

7. A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, but the employment of fishermen in registered decked fishing vessels shall only count as sea service up to the period of three years of such employment; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to three or more years' sea service on board of registered decked fishing vessels.

Such service may be proved by certificates of discharge, by a certificate of service from the registrar-general of shipping and seamen (i) (which certificate the registrar shall grant on payment of a fee not exceeding sixpence), and in which shall be specified whether the service was rendered in whole or in part in steam ship or in sailing ship, or by other satisfactory proof.

Nothing in this section shall affect a seaman who has been rated and has served as A.B. before the passing of this act.

Power of court
to rescind con-
tract between
owner or
master and
seaman or
apprentice.

8. Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances of the case, they think it just so to do, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

For the purposes of this section the term "court" includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates.

Licensing of
seamen's
lodging
houses.

9. It shall be lawful for the sanitary authority of any seaport town to pass byelaws for the licensing of seamen's lodging-houses, for the periodical inspection of the same, for the granting to the persons to whom such

(g) See M. S. Act, 1854, s. 237.

(i) See M. S. Act, 1854, s. 272.

(h) See M. S. Act, 1876, s. 37.

licences are given the authority to designate their houses as seamen's licensed lodging-houses, and for prescribing the penalties for the breach of the provisions of the byelaws: Provided always, that no such byelaws shall take effect till they have received the approval of the Board of Trade.

10. The following provisions shall from the commencement of this act have operation within the United Kingdom:

Desertion and
absence with-
out leave.

A seaman or apprentice to the sea service shall not be liable to imprisonment for deserting or for neglecting or refusing without reasonable cause to join his ship or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of his ship's sailing from any port, or for absence at any time without leave and without sufficient reason from his ship or from his duty (k).

Whenever either at the commencement or during the progress of any voyage any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee may, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, convey him on board: Provided that if the seaman or apprentice so requires he shall first be taken before some court capable of taking cognizance of the matters to be dealt with according to law; and that if it appears to the court before which the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, the master, mate, owner, ship's husband, or consignee, as the case may be, shall incur a penalty not exceeding twenty pounds, but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

If a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of such notice being given, the court shall not exercise any of the powers conferred on it by section two hundred and forty-seven of the Merchant Shipping Act, 1854.

17 & 18 Vict.
c. 104.

Subject to the foregoing provision of this section, the powers conferred by section two hundred and forty-seven of the Merchant Shipping Act, 1854, may be exercised, notwithstanding the abolition of imprisonment for desertion and similar offences, and of apprehension without warrant.

17 & 18 Vict.
c. 104.

Nothing in this section shall affect section two hundred and thirty-nine of the Merchant Shipping Act, 1854.

17 & 18 Vict.
c. 104.

11. The thirteenth section of the Employers and Workmen Act, 1875, shall be repealed in so far as it operates to exclude seamen and apprentices to the sea service from the said act, and the said act shall apply to seamen and apprentices to the sea service accordingly; but such repeal shall not, in the absence of any enactment to the contrary, extend to or affect any provision contained in any other act of parliament passed, or to be passed, whereby workman is defined by reference to the persons to whom the Employers and Workmen Act, 1875, applies (l).

Extension to
seamen of
38 & 39 Vict.
c. 90.

38 & 39 Vict.
c. 90.

(k) See M. S. Act, 1854, s. 243.

(l) 38 & 39 VICT. c. 90.

An Act to enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other Courts a limited civil jurisdiction in respect of such disputes.

[13th August, 1875.

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title. 1. This act may be cited as "The Employers and Workmen Act, 1875."

Commence-
ment of act.

PART I.

Jurisdiction—Jurisdiction of County Court.

Power of
County Court
as to ordering
of payment of
money, set-off,
and rescission
of contract and
taking
security.

3. In any proceeding before a county court in relation to any dispute between an employer and a workman arising out of or incidental to their relation as such (which dispute is hereinafter referred to as a dispute under this act) the court may, in addition to any jurisdiction it might have exercised if this act had not passed, exercise all or any of the following powers; that is to say,

- (1.) It may adjust and set off the one against the other all such claims on the part either of the employer or of the workman, arising out of or incidental to the relation between them, as the court may find to be subsisting, whether such claims are liquidated or unliquidated, and are for wages, damages, or otherwise; and,
- (2.) If, having regard to all the circumstances of the case, it thinks it just to do so, it may rescind any contract between the employer and the workman upon such terms as to the apportionment of wages or other sums due thereunder, and as to the payment of wages or damages, or other sums due, as it thinks just; and
- (3.) Where the court might otherwise award damages for any breach of contract it may, if the defendant be willing to give security to the satisfaction of the court for the performance by him of so much of his contract as remains unperformed, with the consent of the plaintiff, accept such security, and order performance of the contract accordingly, in place either of the whole of the damages which would otherwise have been awarded, or some part of such damages.

The security shall be an undertaking by the defendant and one or more surety or sureties that the defendant will perform his contract, subject on non-performance to the payment of a sum to be specified in the undertaking.

Any sum paid by a surety on behalf of a defendant in respect of a security under this act, together with all costs incurred by such surety in respect of such security, shall be deemed to be a debt due to him from the defendant; and where such security has been given in or under the direction of a court of summary jurisdiction, that court may order payment to the surety of the sum which has so become due to him from the defendant.

Court of Summary Jurisdiction.

Jurisdiction of
justices in dis-
putes between
employers and
workmen.

4. A dispute under this act between an employer and a workman may be heard and determined by a court of summary jurisdiction, and such court, for the purposes of this act, shall be deemed to be a court of civil jurisdiction, and in a proceeding in relation to any such dispute the court may order payment of any sum which it may find to be due as wages, or damages, or otherwise, and may exercise all or any of the powers by this act conferred on a county court: provided that in any proceeding in relation to any such dispute the court of summary jurisdiction—

- (1.) Shall not exercise any jurisdiction where the amount claimed exceeds ten pounds; and
- (2.) Shall not make an order for the payment of any sum exceeding ten pounds, exclusive of the costs incurred in the case, and
- (3.) Shall not require security to an amount exceeding ten pounds from any defendant or his surety or sureties.

Jurisdiction of
justices in
disputes be-
tween masters
and appren-
tices.

5. Any dispute between an apprentice to whom this act applies and his master, arising out of or incidental to their relation as such (which dispute is hereinafter referred to as a dispute under this act), may be heard and determined by a court of summary jurisdiction.

Powers of
justices in

6. In a proceeding before a court of summary jurisdiction in relation to a dispute under this act between a master and an apprentice, the court shall have the same powers as if the dispute were between an employer and a workman, and the master were the employer and the apprentice the workman, and the

instrument of apprenticeship a contract between an employer and a workman, and shall also have the following powers:

respect of apprentices.

- (1.) It may make an order directing the apprentice to perform his duties under the apprenticeship; and,
- (2.) If it rescinds the instrument of apprenticeship it may, if it thinks it just so to do, order the whole or any part of the premium paid on the binding of the apprentice to be repaid.

Where an order is made directing an apprentice to perform his duties under the apprenticeship, the court may, from time to time, if satisfied after the expiration of not less than one month from the date of the order that the apprentice has failed to comply therewith, order him to be imprisoned for a period not exceeding fourteen days.

7. In a proceeding before a court of summary jurisdiction in relation to a dispute under this act between a master and an apprentice, if there is any person liable, under the instrument of apprenticeship, for the good conduct of the apprentice, that person may, if the court so direct, be summoned in like manner as if he were the defendant in such proceeding to attend on the hearing of the proceeding, and the court may, in addition to or in substitution for any order which the court is authorized to make against the apprentice, order the person so summoned to pay damages for any breach of the contract of apprenticeship to an amount not exceeding the limit (if any) to which he is liable under the instrument of apprenticeship.

Order against surety of apprentice, and power to friend of apprentice to give security.

The court may, if the person so summoned, or any other person, is willing to give security to the satisfaction of the court for the performance by the apprentice of his contract of apprenticeship, accept such security instead of or in mitigation of any punishment which it is authorized to inflict upon the apprentice.

PART II.

Procedure.

8. A person may give security under this act in a county court or court of summary jurisdiction by an oral or written acknowledgment in or under the direction of the court of the undertaking or condition by which and the sum for which he is bound, in such manner and form as may be prescribed by any rule for the time being in force, and in any case where security is so given, the court in or under the direction of which it is given may order payment of any sum which may become due in pursuance of such security.

Mode of giving security.

The lord chancellor may at any time after the passing of this act, and from time to time make, and when made, rescind, alter, and add to, rules with respect to giving security under this act.

9. Any dispute or matter in respect of which jurisdiction is given by this act to a court of summary jurisdiction shall be deemed to be a matter on which that court has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Act, but shall not be deemed to be a criminal proceeding; and all powers by this act conferred on a court of summary jurisdiction shall be deemed to be in addition to and not in derogation of any powers conferred on it by the Summary Jurisdiction Act (m), except that a warrant shall not be issued under that act for apprehending any person other than an apprentice for failing to appear to answer a complaint in any proceeding under this act, and that an order made by a court of summary jurisdiction under this act for the payment of any money shall not be enforced by imprisonment except in the manner and under the conditions by this act provided; and no goods or chattels shall be taken under a distress ordered by a court of summary jurisdiction which might not be taken under an execution issued by a county court.

Summary proceedings.

A court of summary jurisdiction may direct any sum of money, for the payment of which it makes an order under this act, to be paid by instalments, and may from time to time rescind or vary such order.

Any sum payable by any person under the order of a court of summary jurisdiction in pursuance of this act, shall be deemed to be a debt due from him in pursuance of a judgment of a competent court within the meaning of the fifth section of the Debtors Act, 1869 (n), and may be enforced accordingly; and as regards any such debt a court of summary jurisdiction shall be deemed to be a court within the meaning of the said section.

The Lord Chancellor may at any time after the passing of this act, and from time to time make, and when made, rescind, alter, and add to, rules for carrying into effect the jurisdiction by this act given to a court of summary jurisdiction,

(m) See sect. 10.

(n) 32 & 33 Vict. c. 62.

Repeal of
enactments in
Second
Schedule.

12. The enactments described in the second schedule to this act shall be repealed as from the commencement of this act within the United Kingdom.

Provided that this repeal shall not affect—

(1.) Anything duly done or suffered before the commencement of this act under any enactment hereby repealed; or

and in particular for the purpose of regulating the costs of any proceedings in a court of summary jurisdiction, with power to provide that the same shall not exceed the costs which would in a similar case be incurred in a county court, and any rules so made in so far as they relate to the exercise of jurisdiction under the said fifth section of the Debtors Act, 1869, shall be deemed to be prescribed rules within the meaning of the said section.

PART III.

Definitions and Miscellaneous.

Definitions.

Definitions:
"Workman:"

10. In this act—

The expression "workman" does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

"The Summary Jurisdiction Act."

The expression "the Summary Jurisdiction Act" means the act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any acts amending the same (a).

The expression "court of summary jurisdiction" means—

- (1.) As respects the city of London, the Lord Mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice room; and
- (2.) As respects any police court division in the metropolitan police district, any metropolitan police magistrate sitting at the police court for that division; and
- (3.) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and
- (4.) Elsewhere any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: provided that, as respects any case within the cognizance of such justice or justices as last aforesaid, a complaint under this act shall be heard and determined and an order for imprisonment made by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the city of London, or of any metropolitan police or stipendiary magistrate in respect of any act or jurisdiction which may now be done or exercised by him out of court.

Application.

Application to
apprentices.

12. This act in so far as it relates to apprentices shall apply only to an apprentice to the business of a workman as defined by this act upon whose binding either no premium is paid, or the premium (if any) paid does not exceed twenty-five pounds, and to an apprentice bound under the provisions of the acts relating to the relief of the poor.

Saving Clause.

Saving of
special juris-
diction, and
seamen.

13. Nothing in this act shall take away or abridge any local or special jurisdiction touching apprentices.

(a) See 42 & 43 Vict. c. 49.

- (2.) Any right or privilege acquired or any liability incurred before the commencement of this act, under any enactment hereby repealed; or

PART IV.

Application of Act to Scotland.

14. This act shall extend to Scotland, with the modifications following; that is to say, Application to Scotland.
Definitions.
In this act with respect to Scotland—

The expression "county court" means the ordinary sheriff court of the county:

The expression "the court of summary jurisdiction" means the small debt court of the sheriff of the county:

The expression "sheriff" includes sheriff substitute:

The expression "instrument of apprenticeship" means indenture:

The expression "plaintiff" or "complainant" means pursuer or complainer:

The expression "defendant" includes defender or respondent:

The expression "the Summary Jurisdiction Act" means the act of the seventh year of the reign of his Majesty King William the Fourth and the first year of the reign of her present Majesty, chapter forty-one, intituled "An Act for the more effectual recovery of small debts in the Sheriff Courts, and for regulating the establishment of circuit courts for the trial of small debt causes by the sheriffs in Scotland," and the acts amending the same.

The expression "surety" means cautioner:

This act shall be read and construed, as if, for the expression "the Lord Chancellor," wherever it occurs therein, the expression "the Court of Session y act of sederunt" were substituted.

All jurisdictions, powers, and authorities necessary for the purposes of this act are hereby conferred on sheriffs in their ordinary or small debt courts, as the case may be, who shall have full power to make any order on any summons, petition, complaint, or other proceeding under this act, that any county court or court of summary jurisdiction is empowered to make on any complaint or other proceeding under this act.

Any decree or order pronounced or made by a sheriff under this act shall be enforced in the same manner and under the same conditions in and under which a decree or order pronounced or made by him in his ordinary or small debt court, as the case may be, is enforced.

PART V.

Application of Act to Ireland.

15. This act shall extend to Ireland, with the modifications following; that is to say, Application to Ireland.

The expression "county court" shall be construed to mean civil bill court:

The expression "Lord Chancellor" shall be construed to mean the Lord Chancellor of Ireland.

The expression "the Summary Jurisdiction Act" shall be construed to mean, as regards the police district of Dublin metropolis, the acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any acts amending the same:

The expression "court of summary jurisdiction" shall be construed to mean any justice or justices of the peace or other magistrate to whom jurisdiction is given by the Summary Jurisdiction Act:

The court of summary jurisdiction, when hearing and determining complaints under this act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions:

The expression "fifth section of the Debtors Act, 1869," shall be construed to mean "sixth section of Debtors Act (Ireland), 1872."

- (3.) Any imprisonment, fine, or forfeiture, or other punishment incurred or to be incurred, in respect of any offence committed before the commencement of this act, under any enactment hereby repealed; or
- (4.) The institution or prosecution to its termination of any investigation or legal proceeding, or any other remedy for prosecuting any such offence, or ascertaining, enforcing, or recovering any such liability, imprisonment, fine, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this repeal had not been enacted.

SCHEDULES.

FIRST SCHEDULE.

Chapter.	Savings Banks.
24 & 25 Vict. c. 14	Post Office Savings Banks.
26 & 27 Vict. c. 87	Trustee Savings Banks.
17 & 18 Vict. c. 104, s. 180..	
19 & 20 Vict. c. 41	
	Seamen's Savings Banks.

SECOND SCHEDULE.

(17 & 18 Vict. c. 104, in part.)

The Merchant Shipping Act, 1854,
in part: namely,

In section two hundred and forty-three, sub-section (1), the words "to imprisonment for any period not exceeding twelve weeks with or without hard labour; and also."

In section two hundred and forty-three, sub-section (2), the words "to imprisonment for any period not exceeding ten weeks with or without hard labour, and also at the discretion of the court."

Section two hundred and forty-six.

In section two hundred and forty-seven the words "instead of committing the offender to prison;"

And section two hundred and forty-eight.

43 & 44 VICT. c. 18.

An Act to amend the Merchant Shipping Act, 1854.

[2nd August, 1880.]

17 & 18 Vict.
c. 104.

WHEREAS, it is expedient to amend the Merchant Shipping Act, 1854:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This act may be cited as "The Merchant Shipping Act (1854) Amendment Act, 1880."

Amendment
of s. 37 of
17 & 18 Vict.
c. 104, as to
numbers of
joint owners
of ships.

2. Sub-section two of section thirty-seven of the recited act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the second sub-section of the thirty-seventh section of the recited act, and the recited act shall be read and construed as if the second sub-section of the thirty-seventh section thereof had been originally expressed in the following words: videlicet,

Subject to the provisions with respect to joint owners or owners by transmission hereinafter contained, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title of any number of persons of any company represented by or claiming under or through any registered owner or joint owner.

An Act to amend the Merchant Shipping Act, 1854, so far as regards certain Fees and Expenses and Sums receivable and payable by the Board of Trade. [12th August, 1880.]

BE IT ENACTED by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This act may be cited as "The Merchant Shipping (Fees and Expenses) Act, 1880."

Short title and construction of act.
17 & 18 Vict.
c. 104.

This act shall be construed as one with the Merchant Shipping Act, 1854, and the acts amending the same, and together with those acts may be cited as the Merchant Shipping Acts, 1854 to 1880.

2. Whereas under section four hundred and seventy-five of the Merchant Shipping Act, 1854, a receiver of wreck appointed under that act is required to pay into the Exchequer the net proceeds of the sale of unclaimed wreck :

Application of proceeds of unclaimed wreck towards payment of expenses connected with wreck.
17 & 18 Vict.
c. 104.

And whereas in pursuance of section four hundred and fifty-seven of the Merchant Shipping Act, 1854, the fees received by such receiver of wreck are carried to the Mercantile Marine Fund, and applied in defraying any expenses duly incurred in carrying into effect the purposes of the eighth part of that act, in such manner as the Board of Trade direct :

And whereas the fees have been insufficient to defray such expenses, and the deficiency has been paid out of the said proceeds of unclaimed wreck, and the balance alone of such proceeds has been paid into the Exchequer, and it is expedient to sanction the payment of the said deficiency ; be it therefore enacted as follows :

Any deficiency so paid as aforesaid, before the thirty-first day of March, one thousand eight hundred and eighty, out of the proceeds of unclaimed wreck, shall be deemed to have been properly paid.

3. Whereas by section forty-three of the Seamen's Fund Winding-up Act, 1851, it is provided that a seaman who ceases altogether for a continuous period of three years to pay his contribution to the fund shall forfeit all claim to any relief for himself, his widow, and children ; and it is expedient to amend the said enactment ; be it therefore enacted as follows :

Explanation of
14 & 15 Vict.
c. 102, s. 43.

The Board of Trade may remit the said forfeiture in the case of any seaman if he satisfies them that during the said continuous period of three years he had not served at sea for any time or for such time as to render it just for him to pay his contribution, and that such non-service at sea did not arise from his having left the sea service when still of age and strength to continue in it and with the intention of not returning to the same.

Section forty-three of the Seamen's Fund Winding-up Act, 1851, as amended by this section, shall apply to masters as if they were mentioned therein in addition to seamen.

14 & 15 Vict.
c. 102.

4. Whereas by section seven of the Merchant Shipping Act Amendment Act, 1862, it is provided that the fees payable by applicants for examination for certificates of competency as engineers shall be carried to the account of the Mercantile Marine Fund, and at the time of the passing of that act the salaries of the surveyors, by whom the examinations are conducted, were paid out of the Mercantile Marine Fund :

Provision as to fees on examination of engineers.
25 & 26 Vict.
c. 63, s. 7.

And whereas under section thirty-nine of the Merchant Shipping Act, 1876, the salaries of the said surveyors are paid out of moneys provided by parliament ; and it is expedient that the fees should be paid into the Exchequer ; be it therefore enacted as follows :

25 & 26 Vict.
c. 63, s. 7.
39 & 40 Vict.
c. 80.

The fees paid in pursuance of section seven of the Merchant Shipping

25 & 26 Vict.
c. 63.

Provision as to
expenses
incurred in
removing
wrecks.
40 & 41 Vict.
c. 16.
Costs of
advertising
notices of
foreign sea
marks.
17 & 18 Vict.
c. 104.
Application of
act to past
payments.

Act Amendment Act, 1862, shall cease to be carried to the account of the Mercantile Marine Fund and shall be paid into the Exchequer.

5. All expenses incurred by general lighthouse authorities in pursuance of the Removal of Wrecks Act, 1877, shall be subject to the provisions contained in sections four hundred and twenty-two, four hundred and twenty-three, and four hundred and twenty-seven of the Merchant Shipping Act, 1854.

6. Such reasonable costs as the Board of Trade from time to time allow of advertising or otherwise making known the establishment of or alterations in foreign lighthouses, buoys, and beacons to owners and masters of and other persons interested in British ships shall be paid out of the Mercantile Marine Fund.

7. Any payment made or forfeiture remitted or thing done before the passing of this act which, if this act had passed, would be legal, shall be deemed to have been legally made, remitted or done.

43 & 44 VICT. c. 43.

An Act to provide for the safe carriage of Grain Cargoes by Merchant Shipping. [7th September, 1880.]

BE IT ENACTED by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and
construction.
17 & 18 Vict.
c. 104, &c.

Commence-
ment of act.

Obligation to
take pre-
cautions to
prevent grain
cargo from
shifting.

Precautions
against
shifting of
grain cargo
laden in port in
Mediterranean
or Black Sea,
or on Coast
of North
America.

1. This act may be cited as "The Merchant Shipping (Carriage of Grain) Act, 1880," and shall be construed as one with the Merchant Shipping Act, 1854, and the acts amending the same, and together with those acts may be cited as "The Merchant Shipping Acts, 1854 to 1880."

2. This act shall come into operation on the first day of January one thousand eight hundred and eighty-one (which day is in this act referred to as the commencement of this act).

3. Where a grain cargo is laden on any British ship all necessary and reasonable precautions (whether prescribed by this act or not) shall be taken in order to prevent the grain cargo from shifting.

If such precautions have not been taken in the case of any such ship, the master of the ship and any agent of the owner who was charged with the loading of the ship or the sending her to sea, shall each be liable to a penalty not exceeding three hundred pounds, and the owner of the ship shall also be liable to the same penalty, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof.

4. Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar, or where a British ship is laden with a grain cargo on the coast of North America, the following precautions to prevent the grain cargo from shifting shall be adopted; that is to say,

(a) There shall not be carried between the decks, or, if the ship has more than two decks, between the main and upper decks, any grain in bulk, except such as may be necessary for feeding the cargo in the hold, and is carried in properly constructed feeders.

(b) Where grain (except such as may be carried in properly constructed feeders) is carried in bulk in any hold or compartment, and proper provision for filling up the same by feeders is not made, not less than one-fourth of the grain carried in the hold or compartment (as the case may

be) shall be in bags supported on suitable platforms laid upon the grain in bulk: Provided that this regulation with respect to bags shall not apply—

- (i.) To oats, or cotton seed; nor
- (ii.) To a ship which is a sailing ship of less than four hundred tons registered tonnage, and is not engaged in the Atlantic trade; nor
- (iii.) To a ship laden at a port in the Mediterranean or Black Sea if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulkheads or such shifting boards as hereafter in this section mentioned, and if the ship does not carry more than one-fourth of the grain cargo, and not more than one thousand five hundred quarters, in any one compartment, bin, or division, and provided that each division of the lower hold is fitted with properly constructed feeders from the between decks; nor
- (iv.) To a ship in which the grain cargo does not exceed one-half of the whole cargo of the ship, and the rest of the cargo consists of cotton, wool, flax, barrels or sacks of flour, or other suitable cargo so stowed as to prevent the grain in any compartment, bin, or division from shifting.

(c) Where grain is carried in the hold or between the decks, whether in bags or bulk, the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured, and if the grain is in bulk are fitted grain-tight with proper fillings between the beams.

(d) In loading, the grain shall be properly stowed, trimmed, and secured.

In the event of the contravention of this section in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been taken, and the owner and master of the ship and any agent charged with loading her or sending her to sea shall be liable accordingly to a penalty under this act.

Provided that nothing in this section shall exempt a person from any liability, civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which, although not mentioned in this section, are reasonably required to prevent grain cargo from shifting.

5. The precautions required by this act to be adopted by ships laden with a grain cargo at a port in the Mediterranean or Black Sea, or on the coast of North America, shall not apply to ships loaded in accordance with regulations for the time being approved by the Board of Trade; nor to any ship constructed and loaded in accordance with any plan approved by the Board of Trade.

6. Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea, bound to ports outside the Straits of Gibraltar, or laden with grain cargo on the coast of North America, leaves her final port of loading, or within forty-eight hours after leaving such port, the master shall deliver or cause to be delivered to the British consular officer, or, if it is in her majesty's dominions, to the principal officer of customs at that port, a notice stating:—

(1.) The draught of water and clear side, as defined by section five of the Merchant Shipping Act, 1871, and section four of the Merchant Shipping Act, 1873, of the said ship after the loading of her cargo has been completed at the said last port of loading;

(2.) And also stating the following particulars in respect to the grain cargo; namely,

- (a.) The kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and
- (b.) The mode in which the grain cargo is stowed; and
- (c.) The precautions taken against shifting.

Exemption from precautions specified in this Act for ships laden in Mediterranean or Black Sea, or on coast of North America.
Notice by master of kind and quantity of grain cargo.
34 & 35 Vict. c. 110.
36 & 37 Vict. c. 85.

39 & 40 Vict.
c. 36, ss. 50,
51.

The master shall also deliver a similar notice to the principal collector or other proper officer of customs in the United Kingdom, together with the report required to be made by the Customs Consolidation Act, 1876, on the arrival of the ship in the United Kingdom.

Every such notice shall be sent to the Board of Trade as soon as practicable by the officer receiving the same.

Penalty for
false state-
ment in
notice.

If the master fails to deliver any notice required by this section he shall be liable to a penalty not exceeding one hundred pounds: provided always, that the Board of Trade may, by notice published in the London Gazette, or in such other way as it may deem expedient, exempt ships laden at any particular port or any class of such ships from the provisions of this section.

Power of
Board of
Trade for
enforcing
of Act.
17 & 18 Vict.
c. 104.

7. Any master of a ship, who in any notice required by this act wilfully makes any false statement, or wilfully omits any material particular, shall be liable to a penalty not exceeding one hundred pounds.

Prosecution
of offences
and recovery
of penalties.
17 & 18 Vict.
c. 104.

8. For the purpose of securing the observance of this act, any officer having authority in that behalf from the Board of Trade, either general or special, shall have the same power as an inspector appointed under the Merchant Shipping Act, 1854, and shall also have power to inspect any grain cargo, and the mode in which the same is stowed.

Definitions.

9. Every offence punishable under this act may be prosecuted summarily and every penalty under this act may be recovered and enforced summarily in like manner as offences and penalties under the Merchant Shipping Act, 1854, and the acts amending the same.

10. For the purposes of this act—

The expression "grain" means any corn, rice, paddy, pulse, seeds, nuts, or nut kernels.

The expression "ship laden with a grain cargo" means a ship carrying a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship, and such third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage.

Repeal of
39 & 40 Vict.
c. 80, s. 22.

11. Section twenty-two of the Merchant Shipping Act, 1876, is hereby repealed as from the commencement of this act:

Provided that any offence against that section committed before the commencement of this act may be prosecuted, and the penalty recovered and enforced, in like manner as if the said section had continued to remain in force.

FORMS

Relating to the Ownership, Registry, Sale and Mortgage of British Ships issued by the Commissioners of Customs and approved of by the Board of Trade (a).

No. 1.—Certificate of Survey (b).

Name of Ship.		Port of intended Registry.		Official Number, if there has been any former Registry.		
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		Where Built.	When Built.	
					Name and Address of Builders.	
Number of decks..		Length from fore part of stem under the bowsprit, to the aft side of the head of the stern post .. Main breadth to outside of plank Depth in hold from tonnage deck to ceiling at midships Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.. Length of engine room, if any			Feet.	Tenths.
Number of masts..						
Rigged						
Stern						
Build						
Galleries						
Head						
Framework ..						

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices and appropriated to their use, and kept free from goods or stores of any kind not being the personal property of the crew	
Space or spaces between decks		These spaces are the following, viz.:	
Poop			
Forecastle			
Roundhouse			
Other closed-in spaces, if any, as follows:			
		Cubic Metres.	
Gross tonnage			
Deductions as per contra			
Registered tonnage ..		Total Deductions ..	

I, the undersigned, having surveyed the above-named ship, hereby certify that the above particulars are true, and that her name is marked on each of her bows, and her name and the port of registry are properly marked on a conspicuous part of her stern, a scale of feet marked on each side of her stem and of her stern post, and lines permanently and conspicuously marked on each side amidships indicating the position of each deck which is above water, in manner directed by the Merchant Shipping Acts, 1854 to 1876.

Dated at the day of 18 . Surveyor.

(a) The Merchant Shipping Act, 1854, required and authorized the use of the forms set out in the schedule to that act. The 98th section of that act required the Commissioners of Customs to cause the several forms to be supplied to all registrars for distribution to persons requiring to use the same, and empowered the said Commissioners, with the consent of the Board of Trade, from time to time to make alterations in the forms. The forms which follow are the forms now in use.

(b) See M. S. Act, 1854, s. 36.

Resident or Non-resident } Natural-born Subject.
Owner or Transferee }

No. 2.—Declaration of Ownership by Individual (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
	.	

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
+				

Number of decks ..	Length from fore part of stem under the bowsprit, to the aft side of the head of the stern post ..	Feet.	Tenths.
Number of masts ..	Main breadth to outside of plank ..		
Rigged ..	Depth in hold from tonnage deck to ceiling at midships ..		
Stern ..	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build ..	Length of engine room, if any ..		
Galleries ..			
Head ..			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Upper tonnage deck ..		On account of space required for propelling power ..	
Closed-in spaces above the tonnage deck, if any :		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks		These spaces are the following, viz. :	
Poop ..			
Forecastle ..			
Roundhouse ..			
Other closed-in spaces, if any, as follows :			
Gross tonnage ..		Total deductions ..	
Deductions as per contra ..			
Registered tonnage ..			

I, the undersigned of declare as follows:—I am a natural-born British subject, born at in the county of and have never taken the oath of allegiance to any foreign state. The above general description of the ship is correct. , whose certificate of competency or service is No. , is the master of the said ship. I am entitled to be registered as owner of shares of the said ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And I make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 18 , by the above-named
in the presence of

* If foreign built, add "and her foreign name is .."

† If British, insert "British.—Built at in the county of on the day of 18 ." If foreign, insert "Foreign.—Built at " [naming the place and country] "on the day of 18 ." or, if foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant;" or, if a condemned ship, insert "condemned by the court of" [naming the court] "on the day of .."

‡ If in the presence of a registrar he will add to his signature "Registrar of the port of .." If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for" [naming the county, city, borough, &c., as the case may be].

(a) See M. S. Act, 1854, ss. 38, 56; see also post, "Forms," Nos. 3 to 8.

[This Form is substituted in cases where it is applicable in lieu of the Forms B. and F. in the Schedule to the M. S. Act, 1854.]

Owner or Transferee resident in her Majesty's Dominions. {

- a. Natural-born Subject, who has sworn Allegiance to a Foreign State and since to her Majesty.
- b. Denizen by Letters of Denization.
- c. Persons naturalized by Act of Parliament.
- d. Do. do. by Colonial Ordinance.

No. 3.—Declaration of Ownership by Individual (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
†				

Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..	Feet.	Tenths.
Number of masts ..	Main breadth to outside of plank ..		
Rigged	Depth in hold from tonnage deck to ceiling at midships ..		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build	Length of engine room, if any ..		
Galleries			
Head			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Strokes.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power ..	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks ..		These spaces are the following, viz.:—	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage		Total deductions	
Deductions, as per contra ..			
Registered tonnage			

I, the undersigned of declare as follows:—I am † whose certificate of competency The above general description of the ship is correct. is the master of the said ship. I am entitled to be registered as owner of shares in the said ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And I make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 187 , by the above-named }
in the presence of ——— §

* If foreign built, add "and her foreign name is"
† If foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant;" or, if a condemned ship, insert "condemned by the court of" [naming the court] "on the day of"
‡ Here insert such of the following descriptions as are applicable to the declarant: "a natural-born British subject, born at in the county of , and since I took the oath of allegiance to a foreign state, viz., " I did, on the day of 18 , take the oath of allegiance to her Majesty;" or, "a denizen by letters of denization, dated the day of 18 , and I did, on the day of take the oath of allegiance to her Majesty;" or, "naturalized by act of Parliament of the United Kingdom" [cite the year of the reign in which the act was passed, its chapter and title], "and I did, on the day of take the oath of allegiance to her Majesty;" or, "naturalized by an ordinance of the proper legislative authority of " [naming the British possession] [cite the year in which the ordinance was passed, its chapter and title], "and I did, on the day of , take the oath of allegiance to her Majesty."
§ If in the presence of a registrar he will add to his signature "registrar of the port of " If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for [naming the county, city, borough, &c., as the case may be]."

(a) See M. S. Act, 1854, ss. 38, 56.

[This Form is substituted in cases where it is applicable in lieu of the Forms B. and F. in the Schedule to the M. S. Act, 1854.]

Owner or trans-
ferree not resident
in her Majesty's
dominions. { a. Natural-born subject, who has sworn allegiance
to a Foreign State and since to her Majesty.
b. Denizen by Letters of Denization.
c. Persons naturalized by Act of Parliament.
d. Ditto ditto by Colonial Ordinance. } and
being { A member of a British factory, or
A partner of a firm in the United
Kingdom, or
A partner of a firm in the Colonies.

No. 4.—Declaration of Ownership by Individual (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.			
No., Date, and Port of previous Registry (if any).					
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where built.	When built.	Name and Address of Builders.	
+		+	+		
Number of decks. .	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..	Feet.	Tenths.		
Number of masts. .	Main breadth to outside of plank ..				
Rigged	Depth in hold from tonnage deck to ceiling at midships ..				
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..				
Build	Length of engine room, if any ..				
Galleries					
Head					
Framework ..					

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ...	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage		Total deductions ..	
Deductions, as per contra			
Registered tonnage ..			

I, the undersigned now residing at declare as follows:—I am t whose certificate of competency or service is
The above general description of the ship is correct. is the master of the said ship. I am entitled to be registered as owner of shares in the said ship.
No. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And I make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 18 , by the above-named }
in the presence of }

* If foreign built, add "and her foreign name is"
+ If British, insert "British.—Built at in the county of on the day of 18 " If foreign, insert "Foreign.—Built at [naming the place and country] on the day of 18 ;" or, if foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant;" or, if a condemned ship, insert—"Condemned by the court of [naming the court] on the day of"
‡ Here insert such of the following descriptions as are applicable to the declarant:—"A natural-born British subject, born at in the county of and have, since I took the oath of allegiance to a foreign state, viz., " on the day of 18 , taken the oath of allegiance to her Majesty;" or, "a denizen by letters of denization, dated the day of 18 , and I did, on the day of take the oath of allegiance to her Majesty;" or, "naturalized by act of parliament of the United Kingdom [cite the year of the reign in which the act was passed, its chapter and title] and I did, on the day of take the oath of allegiance to her Majesty;" or, "naturalized by an ordinance of the proper legislative authority of [naming the British possession] [cite the year in which the ordinance was passed, its chapter and title], and I did, on the day of , take the oath of allegiance to her Majesty;" concluding with—"and I am a member of a British factory, viz., [naming the factory] and am a resident at [state place];" or, "I am a partner in the firm of , being a house actually carrying on business at , in the United Kingdom;" or, "I am a partner in the firm of , actually carrying on business at , in the British possession of"
‡ If in the presence of a registrar he will add to his signature "Registrar of the port of " If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for [naming the county, city, borough, &c., as the case may be]."

(a) See M. S. Act, 1854, ss. 38, 56.

[This Form is substituted in cases where it is applicable in lieu of the Forms B. and F. in the Schedule to the M. S. Act, 1854.]

Resident or Non-resident } Natural-born Subjects.
Joint Owners or Transferees }

No. 5.—Declaration by Joint Owners or Transferees attending together (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
	*	

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
†				

Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..	Feet.	Tenths.
Number of masts ..	Main breadth to outside of plank ..		
Rigged	Depth in hold from tonnage deck to ceiling at midships ..		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build	Length of engine room, if any ..		
Galleries			
Head			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage			
Deductions, as per contra			
Registered tonnage		Total deductions	

Descriptions of Declarants.

Names.	Place of Residence.	Occupation.	Place of Birth.

First.—Each of us, the several persons above mentioned, and whose names are hereunto subscribed, declare as follows:—I am a natural-born British subject, my name, description, and place of birth as above given are true. I have never taken the oath of allegiance to any foreign state. The above general description of the ship is correct. , whose certificate of competency or service is No. , is the master of the said ship.

Secondly.—We, the said several persons above mentioned, respectively declare as follows:—We are entitled to be registered as joint owners of shares in the said ship. To the best of our knowledge and belief no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship; and we, so far as relates to ourselves and each of us, make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 187 , by the above-named }
in the presence of —†

* If foreign built, add "and her foreign name is .."

† If foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant," or, if a condemned ship, insert "condemned in the court of" [naming the court] "on the day of .."

‡ If in the presence of a Registrar he will add to his signature "registrar of the port of .." If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for [naming the county, city, borough, &c., as the case may be]."

(a) See M. S. Act, 1854, ss. 38, 56. See also Forms Nos. 2, 3, 4, 6, 7 and 8.

[This Form is substituted in cases where it is applicable in lieu of the Forms B. and F. in the Schedule to the M. S. Act, 1854.]

Joint Owner or } Natural-born Subject.
Transferee.

No. 6.—Declaration by a Joint Owner or Transferee (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
	.	

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
+				

		Feet.	Tenths.
Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..		
Number of masts ..	Main breadth to outside of plank ..		
Rigged ..	Depth in hold from tonnage deck to ceiling at midships ..		
Stern ..	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build ..	Length of engine room, if any ..		
Galleries ..			
Head ..			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck ..		On account of space required for propelling power ..	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop ..			
Forecastle ..			
Round house ..			
Other closed-in spaces, if any, as follows:			
Gross tonnage ..		Total deductions ..	
Deductions, as per contra ..			
Registered tonnage ..			

I, the undersigned of declare as follows:—I am a natural-born British subject, born at in the county of , and have never taken the oath of allegiance to any foreign state. The above general description of the ship is correct. whose certificate of competency or service is No. , is the master of the said ship. I am entitled to be registered, as joint owner, with the several other persons whose names are hereunder written, of shares in the said ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship.

Joint Owners with Declarant.

Names.	Place of Residence.	Occupation.	Place of Birth.

And I make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 187 , by the above-named }
in the presence of }
†

* If foreign built, add "and her foreign name is .."
† If foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant," or, if a condemned ship, insert "Condemned by the court of" [naming the court] "on the day of .."
‡ If in the presence of a registrar he will add to his signature "Registrar of the port of .."
If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for [naming the county, city, borough, &c., as the case may be]."

(a) See M. S. Act, 1854, ss. 38, 56.

[This Form is substituted in cases where it is applicable in lieu of the Forms B. and F. in the Schedule to the M. S. Act, 1854.]

Special Cases.

No. 7.—Declaration of Ownership (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
	*	

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
†				

		Feet.	Tenths.
Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..		
Number of masts ..	Main breadth to outside of plank ..		
Rigged	Depth in hold from tonnage deck to ceiling at midships ..		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build	Length of engine room, if any ..		
Galleries			
Head			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew	
Space or spaces between decks.		These spaces are the following, viz.:—	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage		Total deductions	
Deductions, as per contra			
Registered tonnage			

[To be filled up according to the circumstances of the case, taking care to embody all the requisites of the Act.]

To the best of ["my" or "our"] knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And ["I" or "we"] make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 18 , by the above-named }
in the presence of . † }

* If foreign built, add "and her foreign name is ."

† If British, insert "British.—Built at in the county of on the day of 18 ." If foreign, insert "Foreign.—Built at [naming the place and country] "on the day of 18 "; or, if foreign, and the time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant"; or, if a condemned ship, insert "Condemned by the court of" [naming the court] "on the day of 18 ."

‡ If in the presence of a registrar he will add to his signature "Registrar of the port of ." If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for" [naming the county, city, borough, &c., as the case may be.]

(a) See M. S. Act, 1854, ss. 38, 56.

[This Form is substituted in cases where it is applicable in lieu of the Forms B. and F. in the Schedule to the M. S. Act, 1854.]

No. 8.—Declaration of Ownership on behalf of a Body Corporate (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
	.	

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
†				

		Feet.	Tenths.
Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..		
Number of masts ..	Main breadth to outside of plank ..		
Rigged ..	Depth in hold from tonnage deck to ceiling at midships ..		
Stern ..	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build ..	Length of engine room, if any ..		
Galleries ..			
Head ..			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck ..		On account of space required for propelling power ..	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop ..			
Forecastle ..			
Round house ..			
Other closed-in spaces, if any, as follows:—			
Gross tonnage ..		Total deductions ..	
Deductions, as per contra ..			
Registered tonnage ..			

I, the undersigned in the county of of the Company, declares as follows:—The said Company was incorporated by virtue of †

The above general description of the ship is correct. whose certificate of competency or service is No. , is master of the said ship. The said company is entitled to be registered as owner of shares in the said ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And I make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 18 , by the above-named }
in the presence of }

* If foreign built, add "and her foreign name is."
+ If British, insert "British.—Built at in the county of on the day of 18 ." If foreign, insert "Foreign.—Built at [naming the place and country] on the day of 18 ;" or, if foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant;" or, if a condemned ship, insert "Condemned by the court of" [naming the court] "on the day of ."

† Here insert such of the descriptions as are applicable. "An Act of Parliament of the United Kingdom" [cite the year of the reign in which the Act was passed, its chapter and title]. "The said Company is subject to the laws of the and has its principal place of business at ;" or, "A Charter granted by her Majesty, and dated the day of 18 . The said Company is subject to the laws of the and has its principal place of business at ;" or, "An Act or Ordinance of the Legislature of " [cite the year in which the Act or Ordinance was passed, its chapter and title]. "The said Company is subject to the laws of the and has its principal place of business at ;" or, "The Act 7 & 8 Vict. c. 110, from the day of being the date of the certificate of complete registration. The said Company is subject to the laws of the and has its principal place of business at ."

(a) See M. S. Act, 1854, ss. 39, 56.

[This Form is substituted in cases where it is applicable in lieu of the Forms C. and G. in the Schedule to the M. S. Act, 1854.]

No. 9.—Certificate of British Registry (a).

Particulars of Ship.

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.	No., Date, and Port of previous Registry (if any).	
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
Number of decks ..	Length from fore part of stem under the bowsprit to the aft side of the head of the stern post ..	Feet.	Tenths.	
Number of masts ..	Main breadth to outside of plank ..			
Rigged	Depth in hold from tonnage deck to ceiling at midships ..			
Stern	Depth in hold from upper deck to ceiling at midships in the case of ships of three decks and upwards ..			
Build	Length of engine room (if any) ..			
Galleries				
Head				
Framework ..				

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

	In Register Tons.	In Cubic Metres.	Deductions Allowed.	No. of Tons.
Gross Tonnage.				
Under tonnage deck			On account of space required for propelling power	
Closed-in spaces above the tonnage deck (if any):			On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew. These spaces are the following, viz. :—	
Space or spaces between decks				
Poop				
Forecastle				
Round house				
Other closed-in spaces, if any, as follows:				
Gross tonnage ..				
Deductions, as per contra ..				
Register tonnage ..			Total deductions ..	

I, the undersigned registrar of shipping at the port of _____, hereby certify that the ship, the description of which is prefixed to this my certificate, has been duly surveyed, and that the above description is true; that _____, whose certificate of competency or service is No. _____ is the master of the said ship; and that the name _____, residence and description of the owner and number of sixty-fourth shares held by _____ are as follows:

Name, Residence, and Occupation of the Owner.	Number of Sixty-fourth Shares.

Dated at _____ the _____ day of _____ one thousand eight hundred and _____ Registrar of shipping.

"NOTICE.—A certificate of registry is not a document of title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgages affecting the ship."

In case of any change of ownership it is important for the protection of the interests of all parties that the change should be registered according to law.

Should the vessel be lost, sold to foreigners, or be broken up, notice thereof, together with the certificate of registry, if in existence, should immediately be given to the registrar of shipping at the port of registry, under a penalty of 100*l.* for default.

For further information apply to the registrar of shipping, at any custom house.

No. 10.—Bill of Sale. (See M. S. Act, 1854, s. 55.)

Official Number of Ship				Name of Ship			
Port, Number and Year of Registry.	Port of Registry.	British or Foreign built	How propelled.	Where built.	When built.		
Number of decks..	Build	..	Length from fore-part of stem, under the bowsprit, to the aft side of the head of the stern-post				Feet
Number of masts..	Galleries	..	Main breadth to outside of plank				Tenths.
Rigged	Head	..	Depth in hold from tonnage deck to ceiling at midships				
Stem	Framework	..	Depth in hold from upper deck to ceiling at midships in the case of three decks and upwards				
			Length of engine room, if any				
Particulars of engines (if any)			Name and Address of Makers.		Diameter of Cylinder.	Length of Stroke	No. of Horse Power (combined).
			When Made.				
			Whether British or Foreign Made.				
Gross Tonnage.			No. of Tonn.		Deductions Allowed.		
Under tonnage deck .. .. .	.. .. .	.. .. .	.. .. .		On account of space required for propelling power		
Closed-in spaces above tonnage deck, if any:—Space or spaces between deck .. .. .	.. .. .	.. .. .	.. .. .		On account of spaces occupied by seamen or apprentices, appropriated to their use, and kept free from goods and stores of every kind not being the personal property of the crew.		
Poop .. .. .	.. .. .	.. .. .	.. .. .		These spaces are the following, viz.:—		
Forecastle .. .. .	.. .. .	.. .. .	.. .. .	
Round house .. .. .	.. .. .	.. .. .	.. .. .	
Other closed-in spaces, if any, as follows:—	.. .. .	.. .. .	.. .. .	
Gross tonnage .. .. .			.. .. .		Total deductions		
Deductions, as per entries .. .. .			.. .. .	
Registered tonnage .. .. .			.. .. .	
<p>* in consideration of the sum of paid to † by the receipt whereof is hereby acknowledged, transfer shares in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances, to the said</p> <p>Further † the said heirs covenant with the said and have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the sums are free from incumbrances</p> <p>In witness whereof his heirsunto subscribed name and affixed seal this day of one thousand eight hundred and</p> <p>Executed by the above-named in the presence of</p> <p>“ I” or “ we.” “ Me” or “ us.” “ I” or “ we.” “ Myself and my” or “ ourselves and our.” “ Him,” “ her,” or “ their.” “ If there be any subsisting mortgage, or outstanding certificate of mortgage, add “ gave as appears by the registry of the said ship.” “ I” or “ we.” “ Me” or “ us.” “ I” or “ we.” “ Myself and my” or “ ourselves and our.” “ Him,” “ her,” or “ their.” “ If there be any subsisting mortgage, or outstanding certificate of mortgage, add “ gave as appears by the registry of the said ship.”</p>							

No. 11.—Mortgage (to secure Principal Sum and Interest). (See M. S. Act, 1854, s. 73.)

Official Number of Ship				Name of Ship			
Port, Number and Year of Registry.	Port of Registry ..	British or Foreign built ..	How propelled.....	Where built	When built		
Number of decks ..	Build .. ..	.. ..	Length from forepart of stem, under the bowsprit to the aft side of the head of the stern-post				Feet.
Number of masts ..	Galleries .. ..	.. ..	Mainbreadth to outside of plank				
Rigged	Head .. ..	.. ..	Depth in hold from tonnage deck to ceiling at midships				
Stern	Framework .. ..	.. ..	Depth in hold from upper deck to ceiling at midships in the case of three decks and upwards				
			Length of engine room, if any				
Particulars of Engines (if any)		No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.
Gross Tonnage.				No. of Tons.			
Under tonnage deck .. ..		.. ..	.. ..	.. ..	Deductions Allowed.		
Closed-in spaces above tonnage deck, if any:—Space or spaces between deck .. ..		.. ..	.. ..	.. ..	On account of space required for propelling power		
Peep .. ..		.. ..	.. ..	.. ..	On account of spaces occupied by seamen or apprentices, appropriated to their use, and kept free from goods and stores of every kind not being the personal property of the crew.		
Forecastle .. ..		.. ..	.. ..	.. ..	These spaces are the following, viz.:—		
Bonachouse .. ..		.. ..	.. ..	.. ..
Other closed-in spaces, if any, as follows—		.. ..	.. ..	.. ..
Gross tonnage .. ..		.. ..	.. ..	.. ..
Deductions, as per contra .. ..		.. ..	.. ..	.. ..
Registered tonnage .. ..		.. ..	.. ..	.. ..	Total deductions		
<p>* the undersigned in consideration of this day lent to † by do hereby for ‡ and § heirs, covenant with the said firstly: That * or § heirs, executors, or administrators will pay to the said the said sum of together with interest thereon at the rate of per cent. per annum on the day of next, and secondly, that if the said principal sum is not paid on the said day * or § heirs, executors, or administrators will, during such time as the same or any part thereof remain unpaid, pay to the said interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of per cent. per annum, by equal half-yearly payments on the day of and day of in every year; and for better securing to the said the repayment in manner aforesaid of the said principal sum and interest * hereby mortgage to the said shares, of which || the owner in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances. * declare that this mortgage is made on condition that the power of sale which by the Merchant Shipping Act, 1854, is vested in the said shall not be exercised until the said § the above-mentioned shares, and that the same are free from incumbrances. * assigns that * has power to mortgage in manner aforesaid In witness whereof * ha hereto subscribed § name and affixed § seal this day of One thousand eight hundred and Executed by the above-named in the presence of</p>							

[On the back of this Form to the following Indorsement.]

N.B. In case of Transfer it may be made by Indorsement in the following form:—

THE WITHIN-MENTIONED IN CONSIDERATION OF THIS DAY PAID TO † BY HERETO TRANSFER TO †† SEAL, the within-mentioned in consideration of this day paid to † by hereto transfer to †† seal, the benefit of the within written security. In witness whereof * ha hereto subscribed § name and affixed § seal, this day of

Executed by the above-named in the presence of

N.B.—In case a Mortgage is paid off the following Memorandum of its discharge may be used.

Received the sum of of in discharge of the within-written security. Dated at this day of 18 .

Witness

[This Form and Form No. 12 are substituted in cases where they are applicable in lieu of the Form K. in the Schedule of the M. S. Act, 1854.]

No. 12.—Mortgage (to secure Account Current, &c.). (See M. S. Act, 1854, s. 73.)

Official Number of Ship				Name of Ship				
Port, Number and Year of Registry	Port of Registry	British or Foreign built	How propelled	Where built	When built			
Number of decks ..	Build	..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post..	..	..	Feet.	Tonns.	
Number of masts ..	Galleys	..	Main breadth to outside of plank	..	..	..	..
Rigged ..	Head	..	Depth in hold from tonnage deck to ceiling at midships	..	..	..	..
Stern ..	Framework	..	Depth in hold from upper deck to ceiling at midships in the case of three decks and upwards	..	..	..	..
		..	Length of engine room, if any	..	..	..	..
Particulars of Engines, if any		No. of Engines	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers	Diameter of Cylinders.	
							Length of Stroke.	
							No. of Horses' Power (combined).	
Under tonnage deck		Gross Tonnage.		No. of Tons.	Deductions Allowed.			No. of Tons.
Closed-in spaces above tonnage deck, if any :—		..	..	..	On account of spaces required for propelling power ..			..
Space or spaces between deck		..	..	..	On account of spaces occupied by seamen or apprentices, appropriated to their use, and kept free from goods and stores of every kind not being the personal property of the crew.			..
Poop		..	..	..	These spaces are the following, viz.:			..
Forecastle		..	..	..				..
Round house		..	..	..				..
Other closed-in spaces, if any, as follows		..	..	..				..
Gross tonnage		..	..	..				..
Deductions, as per contra		..	..	..				..
Registered tonnage		..	..	..	Total deductions			..

Whereas^a the undersigned in consideration of the premises for[†] and § heirs, covenant with the said assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid. And for the purpose of better securing to the said the payment of such sums as last aforesaid, † do hereby mortgage to the said shares, of which † the owner in the ship above particularly described, and in her boats, guns, ammunitions, small arms, and appurtenances.

Lastly, † and § heirs, covenant with the said assigns that † has power to mortgage in manner aforesaid the above-mentioned shares and that the same are free from incumbrances^{••}

In witness whereof † has hereto subscribed § name and affixed § seal this day of One thousand eight hundred and Executed by the above-named in the presence of .

[On the back of this Form is the following Indorsement.]

N.B.—In case of Transfer it may be made by Indorsement in the following form :—

TRANSFER OF MORTGAGE

to : the within-mentioned in consideration of this day paid to † by hereby transfer to : the benefit of the within-written security. In witness whereof † has hereto subscribed it name and affixed it seal, this day of One thousand eight hundred and Executed by the above-named in the presence of

N.B.—In case a Mortgage is paid of the following Memorandum of its discharge may be used :—

Received the sum of in discharge of the within written security. Dated at this day of 18 .

Witness [This Form and Form No. 11 are substituted in cases where they are applicable in lieu of the Form K. in the Schedule of the M. S. Act, 1854.]

^a Here state by way of recital that there is an account current between the mortgagor (describing him) and the mortgagee (describing him); and describe the nature of the transaction, so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.

[†] "I," or "we," "Myself," or "ourselves," "I," "My," or "our."

[§] "His," or "their," "I," "I am," or "we are."

^{••} If any prior incumbrance add, "save as appears by the registry of the said ship,"

^{††} "Me," or "us," "Him," or "them," "My," or "our."

No. 13.—Declaration by Representative of a deceased Owner taking by Transmission (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
††				

		Feet.	Tenths.
Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..		
Number of masts ..	Main breadth to outside of plank ..		
Rigged ..	Depth in hold from tonnage deck to ceiling at midships ..		
Stern ..	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build ..	Length of engine room, if any ..		
Galleries ..			
Head ..			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck ..		On account of space required for propelling power ..	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop ..			
Forecastle ..			
Round house ..			
Other closed-in spaces, if any, as follows:—			
Gross tonnage ..		Total deductions ..	
Deductions, as per contra ..			
Registered tonnage ..			

† the undersigned † declare as follows:—§ of † declare that || the person appearing by the Register Book to be the ¶ of shares in the ship above described, died at in the county of **

To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And † make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 18 , by the above-named † in the presence of §§

* If foreign built, add "and her foreign name is" "†† If British, insert "British.—Built at in the county of on the day of 18 ." If foreign, insert "Foreign.—Built at " [naming the place and country] "on the day of 18 ;" or, if foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant;" or, if a condemned ship insert "Condemned by the court of " [naming the court] "on the day of

† "I" or "we." ‡ Here insert name, description, and place of birth of declarant. § Here state "I am" or "we are natural-born British subjects, and have never taken the oath of allegiance to any foreign state," or "naturalised," &c., as the case may be.

|| Here insert name of deceased. ¶ "Owner" or "mortgagee." §§ Here insert "on the day of having first duly made his will, dated the day of , whereby he appointed (me or us) executor, and (I or we) proved his said will on the day of in the court of " or, "on the day of intestate, and that letters of administration of his estate and effects were on the day of duly granted to (me or us) by the court of

¶ If in the presence of a registrar he will add to his signature, "Registrar of the port of ." If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for " [naming the county, city, borough, &c., as the case may be].

(a) See M. S. Act, 1854, ss 58, 74.

[The Form of "Declaration of Mortgagee taking by Transmission" is incorporated with this Form.]

No. 14.—Declaration of Ownership or Interest on Transmission by Bankruptcy (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
	.	

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
++				

		Feet.	Tenths.
Number of decks..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..		
Number of masts .	Main breadth to outside of plank		
Rigged	Depth in hold from tonnage deck to ceiling at midships		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build	Length of engine room, if any		
Galleries			
Head			
Framework			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign Made.	When Made.	Name and Address of Makers.	Diameter of Cylinder.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck (if any):		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew	
Space or spaces between decks		These spaces are the following, viz. :—	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage			
Deductions, as per contra			
Registered tonnage		Total deductions	

† the undersigned declare as follows:—The person appearing by the Register Book to be the † of shares in the ship above described was on the day of one thousand eight hundred and duly § and || appointed (b) trustee of the estate and effects of the said and ¶ entitled to be registered as ** of the said shares of the said ship. And † make this solemn declaration conscientiously believing the same to be true.

Made and subscribed by the above-named in the presence of .§§

* If foreign built, add "and her foreign name is .."
 ++ If British, insert "British.—Built at .. in the county of .. on the .. day of .. 18 .." If foreign, insert "Foreign.—Built at [naming the place and country] on the .. day of .. 18 .." or, if foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant;" or, if a condemned ship, insert "Condemned by the court of [naming the court] on the .. day of .."
 † "I" or "we." ‡ "Owner" or "mortgagee." § "Adjudged a bankrupt." ¶ Here state who has been appointed. † "I am" or "we are." ** "Owner" or "mortgagee." † If in the presence of a registrar he will add to his signature "Registrar of the port of .." If in the presence of a magistrate, his description should be added, as, for example, "Justice of the peace acting in and for [naming the county, city, borough, &c., as the case may be]."

(a) See M. S. Act, 1854, ss. 58, 74.

[The Form of "Declaration of Mortgagee taking by Transmission in consequence of Bankruptcy" is incorporated with this Form.]

No. 15.—Declaration on Transmission by Marriage (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
	.	

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
†				

		Feet.	Tenths.
Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..		
Number of masts ..	Main breadth to outside of plank ..		
Rigged	Depth in hold from tonnage deck to ceiling at midships ..		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build	Length of engine room, if any ..		
Galleries			
Head			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew	
Space or spaces between decks		These spaces are the following, viz.:	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage			
Deductions, as per contra			
Registered tonnage		Total deductions ..	

I, the undersigned of in the county of declare as follows:—I am a natural-born subject of her Majesty, born at in the county of , and have never taken the oath of allegiance to any foreign state. I declare that on the day of , one thousand eight hundred and I intermarried with, and am now the husband of , the person appearing on the register book to be the owner of shares in the said ship, and I declare that on such marriage the interest of the said became by law vested in me, and that I am entitled to be registered as owner of the said shares in place of the said . To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And I make this solemn declaration conscientiously believing the same to be true.

Made and subscribed the day of 18 , by the above-named }
in the presence of . †

* If foreign built, add "and her foreign name is ."

† If British, insert "British.—Built at in the county of , on the day of , 18 ." If foreign, insert "Foreign.—Built at " [naming the place and country] "on the day of , 18 ." or, if foreign, and time and place of build unknown, insert "Foreign.—Time and place of build are unknown to the declarant;" or, if a condemned ship, insert "Condemned by the court of" [naming the court] "on the day of ."
‡ If in the presence of a registrar he will add to his signature "Registrar of the port of ." If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for" [naming the county, city, borough, &c., as the case may be].

(a) See M. S. Act, 1854, ss. 58, 74.

[The Form of "Declaration of Mortgages taking by Transmission in consequence of Marriage" is incorporated with this Form.]

No. 16.—Certificate of Mortgage (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.
--------------------------	---------------	----------------------------------

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.
-----------------------------------	--	--------------	-------------	-------------------------------

[N.B.—These particulars to be filled up from the certificate of the ship's registry.]

Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..	Fect.	Tenths.
Number of masts ..	Main breadth to outside of plank ..		
Rigged ..	Depth in hold from tonnage deck to ceiling at midships ..		
Stern ..	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build ..	Length of engine room, if any ..		
Galleries ..			
Head ..			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' power (combined).
-----------------	--------------	----------------------------------	------------	-----------------------------	------------------------	-------------------	----------------------------------

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck ..		On account of space required for propelling power ..	
Closed in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop ..			
Forecastle ..			
Round house ..			
Other closed-in spaces, if any, as follows:			
Gross tonnage ..		Total deductions ..	
Deductions, as per contra ..			
Registered tonnage ..			

Account of Title of Owners.

Names of Owners.	Number of Sixty-fourth Shares held by each.	Existing Mortgages or Certificates of Mortgage on the same Ship, or Shares included in this Certificate.
------------------	---	--

† the undersigned, being, as above stated, owner of shares in the ship above described, as stated in the foregoing account of title, hereby appoint † attorney in † name and on † behalf to mortgage the said shares, and to execute and do all such deeds, matters, and things as may be necessary for carrying into effect the power hereby given. † declare that the amount of money to be raised by mortgage under this power shall not exceed and that the rate of interest at which the same is raised shall not exceed for every one hundred pounds by the year. † declare that the power of mortgaging hereby given may be exercised at † declare that the above power shall not be exercised after the expiration of months from the date hereof.

In witness whereof † have hereunto subscribed † name and affixed † seal

this day of

I, Registrar of hereby certify that the above written particulars relating to the ship and the title thereto are correct; and I further certify that the said owner ha duly subscribed and affixed † signature and seal as appears above. Registrar.

• Every particular should be fully stated. + "I" or "we." † "My" or "our." † "His" or "their."

Nota Bene.—"Persons who purchase under a certificate of sale or who advance money under a certificate of mortgage, when there is a previous certificate of sale or of mortgage endorsed on the certificate under which they purchase, do so at their own risk."

"Their title is liable to be defeated by the persons claiming under the incumbrance so endorsed."

On the back of this Form is the following Indorsement:—

The within-mentioned shares in the ship were this day mortgaged to to secure . Dated at this day of one thousand eight hundred and of

"Registrar" or "consular officer," as the case may be.

† State port or place.

No. 17.—Certificate of Sale (a).

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.

No., Date, and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.

[These particulars to be filled up from the certificate of the ship's registry.]

Number of decks ..	Length from fore part of stem, under the bowsprit,	Feet.	Tenths.
Number of masts ..	to the aft side of the head of the stern post ..		
Rigged	Main breadth to outside of plank		
Stern	Depth in hold from tonnage deck to ceiling at		
Build	midships		
Galleries	Depth in hold from upper deck to ceiling at mid-		
Head	ships, in the case of three decks and upwards ..		
Framework ..	Length of engine room, if any		

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign Made.	When Made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any—		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage		Total deductions	
Deductions, as per contra ..			
Registered tonnage			

Account of Title to the above-mentioned Ship.

Names of Owners.	No. of Shares held by each.	Account of Mortgages or Certificate of Mortgages granted in respect of Ship.

† the undersigned, being owner of the ship above described, as stated in the foregoing account of title, hereby appoint † attorney in † name and on † behalf to sell the above ship, and to execute and do all such deeds, matters, and things as may be necessary for carrying into effect the power hereby given. † declare that the ship shall not be sold for a less sum than † declare that the ship may be sold at † † declare that the above power shall not be exercised after the expiration of † months from the date hereof.

In witness whereof † have hereunto subscribed † name and affixed † seal this † day of † one thousand eight hundred and †

I, †, registrar of the port of †, hereby certify that the above-written particulars relating to the ship † and to the title of the above-mentioned owner are correct; and I further certify that the said owner has duly subscribed and affixed † signature and seal as above appears. † Registrar.

Nota Bene.—"Persons who purchase under a certificate of sale or who advance money under a certificate of mortgage, when there is a previous mortgage or a previous certificate of sale or of mortgage endorsed on the certificate under which they purchase, do so at their own risk.

"Their title is liable to be defeated by the persons claiming under the incumbrance so endorsed."

* Every particular should be fully stated.

† State the place or places.

† "I" or "we."
‡ Ship's name.

‡ "My" or "our."
¶ "His" or "their."

(a) See M. S. Act, 1854, s. 79.

No. 18.—Revocation of Certificate of Mortgage or Sale (a).

Official number of Ship.	Name of Ship.	No., Date, and Port of Registry.

No., Date and Port of previous Registry (if any).

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.

[These particulars to be filled up from the certificate of the ship's registry.]

		Feet.	Tenths.
Number of decks. .	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..		
Number of masts. .	Main breadth to outside of plank		
Rigged	Depth in hold from tonnage deck to ceiling at midships		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build	Length of engine room, if any.		
Galleries			
Head			
Framework			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign Made.	When Made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew	
Space or spaces between decks		These spaces are the following, viz.:—	
Poop			
Forecastle			
Round house			
Other closed-in spaces, if any, as follows:—			
Gross tonnage			
Deductions, as per contra			
Registered tonnage		Total deductions	

* of being owner of shares in the ship above described, hereby revoke the power of † the said shares given by ‡ to by a certificate of § dated the day of one thousand eight hundred and .
 In witness whereof * have hereunto subscribed || name and affixed || seal this day of one thousand eight hundred and .
 I , registrar of hereby, certify that the said ¶ ha executed this power of revocation in manner above appearing.

Registrar of ———.

* "I" or "we." † "Mortgaging" or "selling." ‡ "Me" or "us." § "Mortgage" or "sale." || "My" or "our." ¶ "Owner" or "mortgagees."

(a) See M. S. Act, 1864, s. 83.

No. 19.—Transcript of Register for Transmission to Registrar-General of Shipping and Seamen (a).

Signal Letters (if any) _____

Official Number of Ship.	Name of Ship.	No., Date, and Port of Registry.

No., Date, and Port of previous Registry (if any). _____

Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.

Number of decks ..	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ..	Feet.	Tenths.
Number of masts ..	Main breadth to outside of plank ..		
Rigged	Depth in hold from tonnage deck to ceiling at midships ..		
Stern	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ..		
Build	Length of engine room, if any ..		
Galleries			
Head			
Framework ..			

Particulars of Engines (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Strokes.	No. of Horses' power (combined).

Particulars of Tonnage.

Gross Tonnage.	No. of Tons.	Deductions Allowed.	No. of Tons.
Under tonnage deck		On account of space required for propelling power	
Closed-in spaces above the tonnage deck, if any:		On account of spaces occupied by seamen or apprentices, and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ..	
Space or spaces between decks		These spaces are the following, viz. :—	
Poop		Cub. Metres.	
Forecastle			
Round house			
Other closed-in spaces, if any, as follows :—			
Gross tonnage		Total deductions ..	
Deductions, as per contra ..			
Registered tonnage ..			

Name of Master _____

Certificate of { Service No.
Competency No.Names, Residence and Description of the Owners, and } viz.,
Number of Sixty-fourth Shares held by each ..

Dated _____ Registrar _____

NOTE.—If there are more owners than one, the Registrar is requested to distinguish the Managing Owner by the letters M. O. against his name.

N.B.—To be addressed in an Envelope to the Registrar-General of Shipping and Seamen, 82, Basinghall Street, London, E.C.

[On the back of this Form are two columns, headed respectively "References of Transactions" and "Changes of Masters."]

(a) See M. S. Act, 1854, s. 94, and M. S. Act, 1872, s. 4.

No. 20.—Copy Transactions subsequent to Registry, for transmission to Registrar-General of Shipping and Seamen (a).

Official Number } of Ship		Port of Name of Ship			No. and Date } of Registry	
Col. 1. —	Col. 2. — Letter denoting Mortgages and Cer- tificates of Mortgage.	Col. 3. — Name of Person from whom Title is derived.	Col. 4. — Number of Shares affected.	Col. 5. — Date of Registry.	Col. 6. — Nature and Date of Transaction.	Col. 7. — Name, Residence, and Occupation of Transferee, Mortgagee, or other Person acquiring Title or Power.

SUMMARY:						
Col. 8. — Number and Account of sub- sequent Transac- tions, showing how Interest disposed of.	Col. 9. — Number of Transac- tion under which Title acquired.	Col. 10. — Names of Owners.	Col. 11. — Mortgages and Certificates of Mortgage.	Col. 12. — Names of Mortgagees and Attornies under Certificates of Mortgage.	Col. 13. — Number of Shares.	Col. 14. — Remarks.

———— Registrar.

N.B.—To be addressed in an envelope to the Registrar-General of Shipping and Seamen,
82, Basinghall Street, London.

(a) See M. S. Act, 1854, s. 94, and M. S. Act, 1872, s. 4.

The Forms on this and following pages which relate to the Hiring, Payment and Discharge of Seamen; also to their Discipline and Medical Stores, are issued by the Board of Trade. (See M. S. Act, 1854, s. 8.)

No. 21.—Table of Fees payable at Mercantile Marine Offices on the Discharge and Engagement of Seamen and Crews (a).

The Ordinary Fees now charged are the same as those set out in the Schedule to the Merchant Shipping Act, 1854, Table P., subject to the Exemptions mentioned in the Note to that Schedule. (See *supra*, p. clx.)

The following Special Fees are charged :

For Attendance on Board under Board of Trade Printed Regulations.		For Attendance on Board under Authority granted by Special Minute.	Office open after Office Hours. For every Hour or Fraction of an Hour.	For Runner taking Men to another Port.		
First Visit.	Every subsequent Visit.			Absent		Additional for Wages. Every Day or Part of a Day.
				All Night.	More than Eight Hours.	Exceeding Thirty-two Hours, but not Two Nights.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
2 0 0	0 5 0	5 0 0	0 10 0	0 8 0	0 4 0	0 12 0
....	....	....	....	Second-class railway fare or cabin passage by steamer charged in addition to the above if incurred.		
						£ s. d. 0 5 0

(a) See M. S. Act, 1854, s. 125.

**No. 22.—Receipt on Engagement and Certificate for Clearance outwards
(Foreign-going Ships) (a).**

<p style="text-align: center;">(AA)</p> <p>RECEIPT ON ENGAGEMENT.</p> <p>No. —</p> <p>Name of master —</p> <p>Name of ship —</p> <p>Official number —</p> <p>Port belonging to —</p> <p>Registered tonnage —</p> <p style="text-align: center;">Payments.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;"></th> <th style="width: 10%; text-align: center;">£</th> <th style="width: 10%; text-align: center;">s.</th> <th style="width: 10%; text-align: center;">d.</th> </tr> <tr> <td>Fees</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> </tr> <tr> <td>Forms</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> </tr> <tr> <td>Log</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> <td style="text-align: center;">"</td> </tr> </table> <p>Dated at —</p> <p>— day of — 18—.</p> <p>Signature of the master of the ship, —</p>		£	s.	d.	Fees	"	"	"	Forms	"	"	"	Log	"	"	"	Total	"	"	"	<p style="text-align: center;">(AA) FOREIGN-GOING SHIP.</p> <p style="text-align: center;">SANCTIONED BY THE BOARD OF TRADE, MAY, 1855, IN PURSUANCE OF 17 & 18 VICT. c. 104.</p> <p style="text-align: right;">No. —</p> <p style="text-align: center;">Certificate for Clearance Outwards.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 15%;">Name of Master.</th> <th style="width: 15%;">Name of Ship.</th> <th style="width: 15%;">Official Number.</th> <th style="width: 15%;">Port belonging to.</th> <th style="width: 15%;">Registered Tonnage.</th> </tr> <tr> <td style="height: 60px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 30%;">Port of Departure.</th> <th style="width: 30%;">Destination of Voyage.</th> <th style="width: 40%;">Payments.</th> </tr> <tr> <td rowspan="5" style="height: 100px;"></td> <td rowspan="5"></td> <td style="text-align: center;">£ s. d.</td> </tr> <tr> <td>Fees " "</td> </tr> <tr> <td>Forms .. " "</td> </tr> <tr> <td>Log " "</td> </tr> <tr> <td>Total.. " "</td> </tr> </table> <p style="margin-top: 10px;">I certify that the above-named master has engaged his crew before me, and has produced the certificates of himself and of such of his mates as are required to produce certificates, and has made the above-mentioned payments, <i>or has otherwise complied with the provisions of the Statutes in that behalf.</i></p> <p style="text-align: center;">Dated at —</p> <p style="text-align: center;">— day of — 18—. Shipping Master.</p> <p><small>* NOTE.—The words in italics relate to the case of running agreements, and to cases in which no fee is payable.</small></p>	Name of Master.	Name of Ship.	Official Number.	Port belonging to.	Registered Tonnage.						Port of Departure.	Destination of Voyage.	Payments.			£ s. d.	Fees " "	Forms .. " "	Log " "	Total.. " "
	£	s.	d.																																						
Fees	"	"	"																																						
Forms	"	"	"																																						
Log	"	"	"																																						
Total	"	"	"																																						
Name of Master.	Name of Ship.	Official Number.	Port belonging to.	Registered Tonnage.																																					
Port of Departure.	Destination of Voyage.	Payments.																																							
		£ s. d.																																							
		Fees " "																																							
		Forms .. " "																																							
		Log " "																																							
		Total.. " "																																							

(a) See M. S. Act, 1854, ss. 136, 161, 275. This form is incorrectly referred to on page lvi. *supra*. There should have been a reference to it on page lxiv.

No. 22A.—Certificate of Half-Yearly Return of Documents (Home Trade Ships) (b).

SANCTIONED BY
THE BOARD OF TRADE,
MAY, 1855,
IN PURSUANCE OF
17 & 18 VICT. c. 104.

(CC) HOME TRADE SHIP.

Certificate of Half-Yearly Return of Documents.

I certify that — owner or master of the — of — official number — has this day produced to me his certificate and those of his mates, and has deposited with me his agreement, official log book, and a list of his crew (pursuant to the provisions of the statute in that behalf) for the half-year ending — 18—.

Dated at —

— day of — 18—.

— Superintendent of Mercantile Marine Office.

(b) See M. S. Act, 1854, ss. 136, 162.

No. 23.—Table of Fees payable at Mercantile Marine Offices on Examination for Certificates (a).

(1.) As	ORDINARY.					VOLUNTARY EXAMINATIONS.					
	(2.) If not in Possession of a Certificate of Competency of an inferior Grade.	IF IN POSSESSION OF			(6.) For Fore-and-aft Rigged Vessels only.	(7.) For Home Trade Vessels.	EXTRA.			(11.) In Steam.	(12.) In Compass Deviation including the Syllabus.
		(3.) A Certificate of the same Grade obtained in a British Possession abroad.	(4.) First Examination.	(5.) Each subsequent Examination.			(9.) First Examination.	(10.) Second or subsequent Examinations.			
Master	£ s. d. *2 0 0	£ s. d. *1 0 0	£ s. d. 2 0 0	£ s. d. 2 0 0	£ s. d. 2 0 0	No fee.	£ s. d. 1 0 0	£ s. d. 1 0 0	£ s. d. 1 0 0	£ s. d. 1 0 0	
First Mate	1 0 0	0 10 0	(See Col. 2 or 3)	1 0 0	....	....	....	....	1 0 0	1 0 0
Only Mate	1 0 0	0 10 0	(See Col. 2 or 3)	1 0 0	0 10 0	....	....	....	1 0 0	1 0 0
Second Mate	1 0 0	....	1 0 0	1 0 0	....	....	....	....	1 0 0	1 0 0
First-class Engineer ..	2 0 0	1 0 0	(See Col. 2 or 3)	....	....	No fee.	1 0 0	1 0 0	....	....
Second-class Engineer..	1 0 0	....	1 0 0	....	....	....	....	....	....	....

* In the case of examination as master the words "Inferior Grade" refer to a "Fore-and-aft Certificate" as master, or a "Third-class Certificate prior to 1851."

(a) See M. S. Act, 1854, s. 132, and Schedule, Table B., and M. S. Act, 1862, s. 7, and Schedule, Table B.

Reg. 1.
Let A., A.C., and M.

* * Any Evasure, Interlineation, or Alteration in this Agreement will be void unless attested by some Superintendent of a Mercantile Marine Office, Officer of Customs, Consul, or Vice-Consul, to be made with the consent of the persons interested.

AGREEMENT No.

No. 2A.—Agreement and Account of Crew (Foreign-going Ship) (a). (See M. S. Act, 1854, ss. 149, 273.)

SANCTIONED BY
THE BOARD OF TRADE,
July, 1869.
In pursuance of
17 & 18 Vict. c. 104.

The term "Foreign-going Ship" means every Ship employed in trading or going between some place or places in the United Kingdom and some place or places situate beyond the following limits, that is to say, the Coasts of the United Kingdom, the Islands of Guernsey, Jersey, Sark, Alderney, and Man, and the Continent of Europe between the River Elbe and Brest inclusive.

EXEMPTED IN SHORT PAPERS (b).

Engagement Fee ..	£	s.	d.
Discharging Fee ..			

Name of Ship.	Official No.	Port of Registry.	Port No. and Date of Register.	Registered Tonnage.		Nominal Horse-power of Engines (if any).	Registered Managing Owner, or person appointed under the 38 & 40 Vict. c. 80.		No. of Seamen for whom accommodation is certified. (30 & 31 Vict. c. 134.)	Distance in feet and inches between centre of maximum load line and upper edge of line indicating the position of the		
				Gross.	Net.		Name.	Address. (State No. of House, Street, and Town.)		First Deck above it.	Second Deck above it.	
										ft.	in.	ft.

These several persons whose names are hereto subscribed, and whose descriptions are contained on the other side or sides, and of whom are engaged as Sailors, hereby agree to serve on the board the said Ship, in the several capacities expressed against their respective names, on a voyage from

And the crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in every thing relating to the said ship and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew as wages the sums against their names respectively expressed, and to supply them with provisions according to the above scale; And it is hereby agreed, that any embezzlement or wilful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same: And if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency: And it is also agreed, that the regulations authorised by the Board of Trade, which are printed herein, and numbered 3

are adopted by the parties hereto, and shall be considered as embodied in this agreement: And it is also agreed, that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require: And it is also agreed, that 3

In witness whereof the said parties have subscribed their names on the other side or sides hereof on the days against their respective signatures mentioned.

Signed by Master, on the day of , 18

Scale of Provisions to be allowed and served out to the Crew during the Voyage, in addition to the daily issue of Lime and Lemon Juice and Sugar, or other antiscorbutics in any case required by Law.

	Bread.	Peas.	Flour.	Tea.	Coffee.	Sugar.	Water.
Sunday	lb.	lb.	lb.	oz.	oz.	oz.	qts.
Monday							
Tuesday							
Wednesday							
Thursday							
Friday							
Saturday							

SUBSTITUTES.

* The authority of the owner or agent for the allotments (c) mentioned within is in my possession.
* This is to be signed if such an authority has been produced, and to be scored across in ink if it has not.

Superintendent, Officer of Customs, or Consul Officer.

These Columns to be filled up at the end of the Voyage.			
Date of Commencement of Voyage.	Port at which Voyage commenced.	Date of Termination of Voyage.	Port at which Voyage terminated.
		Date of Delivery of Lids to Superintendent.	I hereby declare to the truth of the entries in this Agreement and account of Crew, &c. Master.

2

NAME OF SHIP

Reference No.	PARTICULARS OF ENGAGEMENT.									
	SIGNATURES OF CREW.	Age.	Town or County where born.	If in the Reserve No. of Commission or R V 2.	Ship in which he last served.		Date and Place of joining this Ship.		In what Capacity engaged, and if Master, Mate, or Engineer, No. of his Certificate.	Time at which he is to be on board.
					State Name and Official No. or Port also belonged to.	Year.	Date.	Place.		
1	1	2	3	4	5	6	7	8	9	10
	Master to sign first.									
									Master.	

TABLE—continued.

AGREEMENT No.

3

PARTICULARS OF DISCHARGE, &c.										Reference No.
To be filled in by the Master upon the Discharge, Death, or Desertion of any Member of his Crew.										
Amount of Wages per Week, Calendar Month, Share or Voyage.	Amount of Wages advanced on Entry.	Amount of Weekly or Monthly Allotment.	Signature or Initials of Superintendent, Consul, or Officer of Customs.	Date, Place and Cause of leaving this Ship, or of Death.			Balance of Wages paid on Discharge.		Remarks (note M) (d).	
				Date.	Place.	Cause. ⁴	Date.	Place.		
11	12	13	14	15	16	17	18	19	20	1
										2
										3

¹ Here the voyage is to be described, and the places named at which the ship is to touch, or, if that cannot be done, the general nature and probable length of the voyage is to be stated.

² Here are to be inserted the numbers of any of the regulations for preserving discipline issued by the Board of Trade and printed on the last page hereof which the parties agree to adopt.

³ Here any other stipulations may be inserted to which the parties agree, and which are not contrary to law.

⁴ If any member of the crew enters her Majesty's service, the name of the Queen's ship into which he enters is to be stated under the head of "Cause of leaving the Ship," thus "B.M.S. Revenge," and the other causes of leaving the ship should be briefly stated thus, "Discharged," "Deserted," "Left Sick," "Died."

(a) See "Forms," No. 24A. (b) This form of agreement is also issued, executed in a greater number of pages, to meet the requirements of larger ships.

(c) See "Forms," No. 26, for the form of allotment note sanctioned by the Board of Trade.

(d) See "Forms," No. 27, for a separate "Form of Release at the termination of a voyage."

[An office copy of the agreement is to be retained by the superintendent for transmission to the Registrar of Shipping and Seamen (M. S. Act, 1854, ss. 150, 277).]

Christian and Surnames of the Apprentices at full length.	Age.	Registry of Indenture.		Registry of Assignment.		Date, Place, and Cause of leaving this Ship, or of Death. <i>To be filled up by the Master.</i>	
		Date of	Port of	Date of	Port of	Date.	Cause.
1	2	3	4	5	6	7	8
							9

PARTICULARS RELATING TO WAGES AND EFFECTS OF SEAMEN AND APPRENTICES DURING THE VOYAGE. (Taken from the Official Log.)

Note.—Particulars of the money due to each deceased seaman, and of his clothes and effects (if any), are to accompany this return in a separate Form W. & E. 1 (late K.K.), which will be furnished by the superintendent. If any master fails to give a true account of these particulars, he will be liable to forfeit a sum not exceeding treble the value of the money and effects not accounted for, or to a penalty not exceeding 50*l*.

Reference No. in Agreement.	Christian and Surname of Deceased.	Certificates, if any.		Net Amount of Wages, and Total Proceeds of Sale of Effects paid to Superintendent, Officer of Customs, or Consul, as per Account in Form W. & E. 1.	Particulars of Effects (if any) delivered to Superintendent, Officer of Customs, or Consul, as per Account in Form W. & E. 1.
		Description. State whether "Mate's," "Engineer's," "Naval Reserve," &c.	Numbers.		
1	2	3	4	5	6

PARTICULARS OF ALL MARRIAGES THAT HAVE OCCURRED ON BOARD DURING THE VOYAGE. (Taken from the Official Log.) Agreement No. . 5

Note.—Section 282 of the Merchant Shipping Act, 1854, requires the master of the ship to enter in his official log the particulars of every marriage that has taken place on board; and sections 273 and 274 require that a list of such marriages should be made out and delivered to a superintendent of a mercantile marine office in the United Kingdom.

Date when Married.	Christian and Surnames of both Parties.	Age.	State whether Single, Widow, or Widower.	Profession or Occupation.	Father's Christian and Surname.	Profession or Occupation of Father.
1	2	3	4	5	6	7

CERTIFICATES OR INDORSEMENTS MADE BY CONSULS OR BY OFFICERS IN BRITISH POSSESSIONS ABROAD.

8 REGULATIONS FOR MAINTAINING DISCIPLINE, SANCTIONED BY THE BOARD OF TRADE IN PURSUANCE OF THE MERCHANT SHIPPING ACT, s. 149.

These regulations are distinct from and in addition to those contained in the act, and are sanctioned but not universally required by law. All or any of them may be adopted by agreement between a master and his crew, and thereupon the offences specified in such of them as are so adopted will be legally punishable by the appropriate fines or punishments.

These regulations are all numbered, and the numbers of such of them as are adopted must be inserted in the space left for that purpose in the agreement, p. 1, and the following copy of these regulations must be made to correspond with the agreement by inserting such of the regulations as are not adopted. If the agreement is made before the superintendent of a mercantile marine office, his signature or initials must be placed opposite such of the regulations as are adopted.

For the purpose of legally enforcing any of the following penalties, the same steps must be adopted as in the case of other offences punishable under the act; that is to say, a statement of the offence must immediately after its commission, be entered in the official log book by the direction of the master, and must at the same time be attested to be true by the signatures of the master and the mate, or

one of the crew; and a copy of such entry must be furnished, or the same must be read over, to the offender, before the ship reaches any port or departs from the port at which she is; and an entry that the same has been so furnished or read over, and of the reply, if any, of the offender, must be made and signed in the same manner as the entry of the offence. These entries must, upon discharge of the offender, be shown to the superintendent of a mercantile marine office before whom the offender is discharged, and if he is satisfied that the offence is proved, and that the entries have been properly made, the fine must be deducted from the offender's wages, and paid over to the superintendent.

If, in consequence of subsequent good conduct, the master thinks fit to remit or reduce any fine upon any member of his crew which has been entered in the official log, and signifies the same to the superintendent, the fine shall be remitted or reduced accordingly. If wages are contracted for by the voyage or by share, the amount of the fines is to be ascertained in the manner in which the amount of forfeiture is ascertained in similar cases under sect. 252.

No.	OFFENCE.	Amount of Fine or Punishment.	Signature of Superintendent.
1	Striking or assaulting any person on board or belonging to the ship (if not otherwise prosecuted)	Five shillings.	
2	Bringing or having on board spirituous liquors	Five shillings.	
3	Drunkenness. First offence	Five shillings.	
4	Do. Second and for each subsequent offence	Ten shillings.	
	Taking on board and keeping possession of any fire-arms, knuckle-duster, loaded cane, sling-shot, sword stick, bowie knife, dagger, or any other offensive weapon, or instrument, without the concurrence of the master, for every day during which a seaman retains such weapon or instrument	Five shillings.	

INSTRUCTIONS TO MASTERS.

Agreements.

1. The Merchant Shipping Act requires the master of every ship, except ships of less than eighty tons *exclusively* employed in the coasting trade, to enter into an agreement with every seaman whom he carries to sea as one of his crew. The term "seaman" includes every person, except masters, pilots, and apprentices (duly indentured and registered) employed or engaged in any capacity on board any ship.

2. In order to enable the seaman to know the contents of the agreement, the master, at the commencement of the voyage is bound under a penalty of £1, to have a legible copy (omitting the signatures) placed in an accessible part of the ship.

3. All alterations in any agreement (except additions in shipping substitutes) are inoperative unless proved to have been made with the consent of all persons interested, by the written attestation of a superintendent of a mercantile marine office, justice, officer of customs, consul or vice-consul.

4. Fraudulently altering, or making any false entry in, or delivering a false copy of any agreement, or being party to such an act, may be punished by the infliction of a penalty not exceeding 100*l.*, or by imprisonment with or without hard labour for any period not exceeding six months.

5. The crews of all British foreign-going ships must be engaged in the United

Kingdom in the presence of a superintendent of mercantile marine, who will read over and explain the agreement to the seamen before they are allowed to sign it.

6. Steamers, fruit vessels, and other foreign-going vessels, which make short and frequent voyages and keep the same crews, are allowed to have running agreements, lasting like those of home-trade ships for six months. The masters of these vessels are thus relieved from the necessity of discharging and re-engaging their crews at the mercantile marine office on each return to the United Kingdom. If the crew are engaged under a running agreement, the master, upon every return of the ship to the United Kingdom, is to deposit his agreement at the mercantile marine office, and is to discharge or engage any of his crew before the superintendent. Before the ship leaves port, the master is required to endorse on the agreement whether any changes have been or are intended to be made in his crew. Any false statement renders the master liable to a penalty not exceeding 20*l.*

Engagement of Crews and Seamen in the United Kingdom.

7. Whenever a master of a ship is desirous of making use of the mercantile marine office for the purpose of selecting his crew he must inform the superintendent, so that a notice may be published for the information of those men who are seeking employment.

8. In all cases the superintendent should have at least six hours' notice of the

"Forms," No. 24—continued.

Engagement of Crews and Seamen in the United Kingdom—continued. Before time at which the master and crew are to attend to sign the agreement. Before the engagement of the crew is proceeded with, the master must—

- (a) Produce the certificate for himself, his mates, and his engineers (if any).
- (b) Pay all the fees.
- (c) Produce the authority of his owners or their agents for his issuing allotment notes to his crew.
- (d) Produce the apprentices destined for the voyage together with their indentures.

9. Upon the master complying with the above regulations, the superintendent will, when the engagement of the crew has been completed, give him a certificate for clearance outwards (a).

10. Superintendents will give the like certificate to masters of ships who have entered into running agreements with their crews, upon their complying with the regulations (b) above, and producing at the mercantile marine office the certificate of any mate or engineer engaged during or subsequent to the last voyage.

11. The engagement of substitutes for seamen who have died or left the ship within twenty-four hours of her putting to sea is to be made before a superintendent if practicable, but if not the master as soon as possible is to have the agreement read over and explained to the substitutes in the presence of a witness who is to attest their signatures.

12. Carrying any seaman to sea without entering into an agreement subjects the master of a foreign-going ship to a penalty of 5*l*.

13. The master of a foreign-going ship incurs a penalty of 5*l*. if he does not report to the nearest mercantile marine office any changes in his crew before he finally leaves the United Kingdom.

Ports abroad.

14. Upon the arrival of the ship at any foreign port where there is a British consular officer, or at any port in any British possession abroad, the master is bound under a penalty of *ten pounds* to deliver within forty-eight hours of the ship's arrival (if the ship remains forty-eight hours at the port, and is not a passenger ship), to the consular officer, or the chief officer of customs, the agreement, and all indentures and assignments of apprenticeships. These the officer will keep during the ship's stay at the port, and will, within a reasonable time before the ship's departure, return them to the master, with a certificate stating when they were delivered and returned.

15. The engagement or discharge of any seaman abroad must be made before the British consul in a foreign port, or before the customs officer in a British possession, who will endorse upon the agreement a certificate accordingly. If this certificate be not made the master of the ship is liable to a penalty. (See also *para.* 20, 21, and 22 *below*.)

N.B.—This form must not be mutilated. No leaves may be taken out of it, and none may be added or substituted. Care should be taken at the Time of Engagement that a sufficiently large form is used. If more men are engaged during the voyage than the number for whom signatures are provided in this form, an additional form Eng. 1, should be obtained and used.

(c) See "Forms," No. 22.

Returns to the United Kingdom.

16. The crew of every British foreign-going ship discharged in the United Kingdom must be discharged, and receive their wages in the presence of a superintendent of a mercantile marine office. An infringement of this law renders the master or owner liable to a penalty of 10*l*.

17. In all cases in which crews are to be discharged at the mercantile marine office, at least twenty-four hours' notice should be given to the superintendent by the master or owner.

18. Within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, the master is to deliver to the superintendent of the mercantile marine office the agreement with a list of the crew and official log book, and accounts of the wages and effects of any seaman or apprentice who has died on board during the voyage, whether he formed part of the crew or not, any effects remaining unsold, and the balance of wages or other moneys belonging to any such seaman or apprentice. When the effects of a deceased seaman have been sold on board a vessel, the proceeds of such sale must in every case be handed over to the superintendent, without deduction, unless such proceeds have already been paid by the master to a consular or colonial officer on behalf of the Board of Trade. The master is also to deliver to the superintendent the certificates, mates, engineers, or seamen's, E 2, or R, V, 2 of any who have died or deserted during the voyage. The superintendent will then give a certificate for the purpose of clearance inwards.

19. The master is to give to every seaman (or leave with the superintendent on his behalf) an account, on a form sanctioned by the Board of Trade, of his wages, and of all deductions to be made therefrom, at least twenty-four hours before the time of payment or discharge, under a penalty of 5*l*. for non-compliance. Deductions for fines, forfeiture, &c. which are sought to be made in this account must be proved by proper entries made in the official log book.

20. Upon paying off or discharging any seaman, the master is bound under a penalty of 10*l*. to give the seaman a certificate of discharge, and the master is also bound under a penalty of 20*l*. to deliver to any certificated mate or engineer upon his discharge his certificate of competency or service.

21. A statement of the conduct, character, and qualification of each member of the crew, or a statement that he declines to give an opinion on such particulars, is to be entered and signed by the master in the official log book as required by the act.

22. Upon payment of wages and settlement of disputes (if any) being effected, the officer before whom the men are discharged will require the crew to sign in his presence a release from all claims in respect of the voyage just finished. (See *p.* 8, *cols.* 19 and 20.)

This Agreement is to be used only for voyages made on the coasts of the United Kingdom, or to the Islands of Jersey, Guernsey, Alderney, Sark, and Isle of Man, or to places on the Continent of Europe between the River Elbe and Brest, inclusive.

Eng. 6, late B. and D.
SAVONED BY THE BOARD OF TRADE,
May, 1874, in pursuance of
17 & 18 Vict. c. 104.

. Any crew, interlineation, or alteration in this Agreement will be void, unless attested by some superintendent of a mercantile marine office, officer of customs, consul, or vice-consul, to be made with the consent of the persons interested.

No. 25.—Half-Yearly Agreement and Account of Voyages and Crew of a Ship engaged in the Home Trade only (b).
No.
EXECUTED IN EXIST PAGES (c).
(See M. S. Act, 1864, ss. 149, 273.)

NOTICE.—As this agreement is made for voyages in the home trade only, the crew need not be engaged before a superintendent of mercantile marine. On whatever date the agreement is made it expires on the next following 30th day of June or 31st day of December next, as the case may be, and is then, or within twenty-one days afterwards, to be delivered to the superintendent of a mercantile marine office. If, however, the ship is absent from the United Kingdom on the 30th day of June or 31st day of December, then this agreement remains in force until the first arrival of the ship at her final port of destination in the United Kingdom after such date, or the discharge of cargo consequent on such arrival, when it is to be delivered up to a superintendent.

On this agreement and account of crew being duly completed and deposited at a mercantile marine office, the superintendent will issue the Certificate C. C. (c), to enable the ship to be cleared at the Custom House.

Neglect to deposit the returns within the time prescribed by the Merchant Shipping Act subjects the owner or master to a penalty, and will lead to delay in the issue of the clearance certificate and consequent detention of the ship.

N.B.—The master's attention is specially directed to the "Instructions to Masters of Home Trade Vessels," contained on page 8.

Name of Ship.	Official No.	Port of Registry.	Port, No., and Date of Register.	Registered Tonnage.	Nominal Horse-power of Engines (if any).	No. of Seamen for whom Accommodation certified (30 & 31 Vict. c. 124.)	Registered (Managing) Owner (or Person appointed under the 38 & 40 Vict. c. 80).		Master.		Distance in Feet and Inches between Centres of Maximum Lead Line Disc and Upper Edge of Line indicating the Position of the		
							Name.	Address.—(State No. of House, Street and Town.)	Name.	'No. of Certificate (if any).	Address.—(State No. of House, Street and Town.)	First Deck above it.	Second Deck above it.	ft.	in.

The several persons whose names are hereto subscribed, and whose descriptions are contained on the other side or sides and of whom are engaged as sailors, hereby agree to serve, in the several capacities expressed against their respective names, on board the said ship, which is to be employed:

And the crew agree to conduct themselves in an orderly, faithful, honest and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship and the stores and cargo thereof, whether on board, in boats or on shore, in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew as wages the sums against their names respectively expressed, and to supply them with provisions according to the above scale. And it is hereby agreed, that any embezzlement or wilful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency; and it is also agreed that the regulations for maintaining discipline sanctioned by the Board of Trade, which are printed hereon and numbered 1 are adopted by the parties hereto, and shall be considered to be embodied in this agreement.

And it is also agreed, that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require: And it is also agreed, that³

In witness whereof the said parties have subscribed their names on the other side or sides hereof on the days against their respective signatures mentioned.

Master's Signature.

Scale of Provisions to be allowed and served out to the Crew during the Voyage.

	Bread	Beef	Pork	Flour	Rice	Tea	Coffee	Sugar	Wine
Sunday	lb.	qt.	lb.	lb.	lb.	oz.	oz.	oz.	pt.
Monday									
Tuesday									
Wednesday									
Thursday									
Friday									
Saturday									

SUBSTITUTES.

* Have any stipulation for changes or substitution of one article for another may be inserted.

Date and Place of First Signature of Agreement.

Date. Place.

These Columns to be filled in by the Master at the End of the last Voyage or the Half-Year.		To be filled in by the Superintendent.	
Date of Termination of the last Voyage.	Port at which the last Voyage terminated.	Received at the day of 18	Superintendent of Mercantile Marine.

3

NAME OF SHIP

PARTICULARS OF ENGAGEMENT.								
Reference No.	SIGNATURES OF CREW.	Age (d).	Town or County where Born.	If in the Reserve, No. of Commission or R. V. 2.	Ship in which he last Served.		Date and Place of signing this Agreement.	
					State Name and Official No. or Port she belonged to.	Year.	Date.	Place.
1	Master to sign first.	2	3	4	5	6	7	8
2								
3								

TABLE—continued.

AGREEMENT No. 3

PARTICULARS OF DISCHARGE, &c. <i>To be filled in by the Master upon the Discharge, Death, or Desertion of any Member of his Crew.</i>												
In what Capacity engaged, and if Master, Mate, or Engineer, No. of his Certificate (if any).	Time at which he is to be on board.	Amount of Wages per Week, Calendar Month, Share, or Voyage. ¹ (<i>Prize words which do not apply.</i>)	Amount of Wages advanced on entry.	Signature of Superintendent of Mercantile Marine, H.M. Consul, or other Witnesses to the Engagement.	Date and Place of Commencement of Service on board.		Date, Place, and Cause of leaving this Ship, or of Death.			Report of Character. ²		Reference No.
					Date.	Place.	Date.	Place.	Cause. ³	For General Conduct.	For Ability in Seamanship.	
9	10	11	12	13	14	15	16	17	18	19	20	1
Master.												2
												3

¹ Here the probable nature of the ship's employment for the ensuing six months is to be described, thus, "In the Coasting Trade of the United Kingdom;" "In the Home Trade." The particulars of each voyage made under this agreement are to be inserted in the Form provided on page 8.

² Here are to be inserted the numbers of any regulations for maintaining discipline issued by the Board of Trade, and printed on page 7 hereof, which the parties agree to adopt.

³ Should the rate of wages in any case be altered during the continuance of this agreement, a fresh entry should be made, which the seaman should sign.

⁴ If any member of the crew enters her Majesty's service, the name of the Queen's ship into which he enters is to be stated under the head of "Cause of leaving the Ship," thus, "H.M.S. Revenge," and the other causes of leaving the ship should be briefly stated thus, "Discharged," "Deserted," "Left Sick," "Died," "V.G. for 'Very Good,'" "Good," "M. 'Middling,'" "I. 'Indifferent,'" and D. "Declines." The master may also insert particulars of ability or conduct, thus, "Helm" good, or "Sobriety" indifferent. If he declines giving any opinion he must so state opposite the man's name.

(c) This form of agreement is also issued oriented in a greater number of pages, to meet the requirements of larger ships. (d) See also "Forms" Nos. 25a, 25b & 25c.

(e) See "Forms" No. 22a.

(f) It is understood that the next issue of this Form will contain a column headed "Date of Age."

Christian and Surnames of the Apprentices at full length.	Registry of Indenture.		Registry of Assignment.		Date, Place, and Cause of leaving this Ship, or of Death. <i>To be filled up by the Master.</i>		
	Date of	Port of	Date of	Port of	Date	Place	Cause
1	3	4	5	6	7	8	9
	2						

BIRTHS THAT HAVE OCCURRED ON BOARD DURING THE HALF-YEAR (s).

Date of Birth.	Name of Child (if any).	Sex.	Christian and Surnames of Father.	Name and Maiden Surname of Mother.	Profession or Occupation of Father.
1	2	3	4	5	6

DEATHS THAT HAVE OCCURRED ON BOARD DURING THE HALF-YEAR (s).

Of Crew.*			Of Passengers or other than the Crew.						
Reference No. in Agreement.	Name of Deceased.	Net Amount of Wages paid to Superintendent, Officer of Customs, or Consul, as per Account W & E I.	Date of Death.	Christian and Surname of Deceased.	Sex.	Age.	Profession or Occupation, if known.	Parents' Names, if known.	Cause of Death.
1	2	3	4	5	6	7	8	9	10

* Particulars of the Moneys due to each deceased Seaman, and of his Clothes and Effects, and of Deductions (if any), are to accompany this Return in a separate Form W & E I. (late K.K.), which will be furnished by the Superintendent. If any Master fails to give a true account of these particulars, he will be liable to forfeit a sum not exceeding triple the value of the money and effects not accounted for, or to a penalty not exceeding 50l.

AGREEMENT No.

CERTIFICATES OF INDORSEMENTS MADE BY H.M. CONSULS OR BY SUPERINTENDENTS OF MERCHANT MARINE OFFICES.

5

CERTIFICATE OF INCIDENTS MADE BY CAPTAINS OR BY OFFICERS IN BRITISH POSSESSIONS ABROAD.

REGULATIONS FOR MAINTAINING DISCIPLINE, SANCTIONED BY THE BOARD OF TRADE IN PURSUANCE OF THE MERCHANT SHIPPING ACT, s. 149.

These regulations are distinct from and in addition to those contained in the act, and are sanctioned but not universally required by law. All or any of them may be adopted by agreement between a master and his crew, and thereupon the offences specified in such of them as are so adopted will be legally punishable by the appropriate fines or punishments.

These regulations are all numbered, and the numbers of such of them as are adopted must be inserted in the space left for that purpose in the agreement, page 1, and the following copy of these regulations must be made to correspond with the agreement by entering such of the regulations as are not adopted. If the agreement is made before the superintendent of a mercantile marine office, his signature or initials must be placed opposite such of the regulations as are adopted.

For the purpose of legally enforcing any of the following penalties, the same steps must be adopted as in the case of other offences punishable under the act; that is to say, a statement of the offence must, immediately after its commission, be entered in the official log book by the direction of the master, and must at the same time be attested to be true by the signatures of the master and the mate, or

one of the crew; and a copy of such entry must be furnished, or the same must be read over, to the offender, before the ship reaches any port or departs from the port at which she is; and an entry that the same has been so furnished or read over, and of the reply, if any, of the offender, must be made and signed in the same manner as the entry of the offence. These entries must, upon discharge of the offender, be shown to the superintendent of a mercantile marine office before whom the offender is discharged, and if he is satisfied that the offence is proved, and that the entries have been properly made, the fine must be deducted from the offender's wages, and paid over to the superintendent.

If, in consequence of subsequent good conduct, the master thinks fit to remit or reduce any fine upon any member of his crew which has been entered in the official log, and signifies the same to the superintendent, the fine shall be remitted or reduced accordingly. If wages are contracted for by the voyage or by share, the amount of the fines is to be ascertained in the manner in which the amount of forfeiture is ascertained in similar cases under sect. 252.

OFFENCE.		Amount of Fine or Punishment.	Signature of Superintendent.
No.			
1	Striking or assaulting any person on board or belonging to the ship (if not otherwise prosecuted)	Five shillings.	
2	Bringing or having on board spirituous liquors	Five shillings.	
3	Drunkennes.—First offence	Five shillings.	
4	Drunkennes.—Second and for each subsequent offence	Ten shillings.	
	Taking on board and keeping possession of any fire-arms, knuckle-duster, loaded-cane, slung-shot, sword-stick, bowie-knife, dagger, or any other offensive weapon, or offensive instrument, without the concurrence of the master, for every day during which a seaman retains such weapon or instrument	Five shillings.	

(*) These two tables will probably be omitted altogether or reconstructed on any future issue of this form. See the Births and Deaths Registration Act, 1874 (37 & 38 Vict. c. 88), ss. 37, 54.

257 A Statement of the Dates of Departure and Dates of Arrival at the several ports must be entered under this heading.

From		To	
Date of Departure.	Port.	Date of Arrival.	Port.

Home Trade Agreements.

1. The Merchant Shipping Act requires the master of every ship, except ships of less than eighty tons exclusively employed in trading upon coasts of United Kingdom, to enter into an agreement with every seaman whom he carries to sea as one of his crew. (The term “seaman” includes every person, except masters, pilots and apprentices (duly indentured and registered) employed or engaged in any capacity on board any ship.)

2. Neglect to comply with this regulation subjects the master or owner to a penalty not exceeding £1 for every offence.

3. In order to enable the seaman to know the contents of the agreement, the master must cause the agreement to be read over and explained to each seaman, and the seaman will thereupon sign the same in the presence of a witness, who shall attest his signature.

4. The master is bound, under a penalty of £1, to have a legible copy of the agreement (omitting the signatures) placed in an accessible part of the ship.

5. All alterations in any agreement (except additions in shipping substitutes) are inoperative unless proved to have been made with the consent of all persons interested, by the written attestation of a superintendent of a mercantile marine office, justice, officer of customs, consul or vice-consul, or where there is no such officer, of two respectable British merchants.

6. Fraudulently altering, or making any false entry in, or delivering a false copy of any agreement, or being party to such an act, may be punished by the infliction of a penalty not exceeding 100*l.*, or by imprisonment with or without hard labour for any period not exceeding six months.

Ports abroad.

7. Upon the arrival of the ship at any foreign port where there is a British consular officer, the master is bound under a penalty of twenty pounds to deliver within forty-eight hours of the ship's arrival (if the ship remains forty-eight hours at the port, and is not a passenger ship), to the consular officer, the agreement, and all indenture and assignments of apprenticeship. These the consul will keep during the ship's stay at the port, and will, within a reasonable time before the ship's departure, return to the master, with a certificate stating when they were delivered and returned.

8. The engagement or discharge of any seaman abroad must be made before the British consul, who will endorse upon the agreement a certificate accordingly. If this certificate be not made the master of the ship is liable to a penalty. (See also *para.* 14 and 15 below.)

N.B.—This form must not be mutilated. No leaves may be taken out of it, and none may be added or substituted. Care should be taken at the time of engagement that a sufficiently large form is used. If more men are engaged during the half-year, terminating on the 30th day of June or 31st day of December next, than the number for whom signatures are provided in this form, an additional form, Eng. 6, should be obtained and used.

Official Log Books.

9. Every ship, of whatever tonnage, which trades to any port out of the United Kingdom, must carry an official log book, which must be delivered at the termination of the half-year or home trade employment, with the agreement and account of crew, to the superintendent of a mercantile marine office.

10. The master's attention is specially directed to the instructions contained in the 2nd and 3rd pages of the official log book as to the entries which are required by law to be made therein.

11. On every occasion of the vessel proceeding to sea, the master is required, under a penalty of 20*l.*, to enter in the official log book the ship's draught of water.

Termination of Voyage or Half-Year.

12. This agreement may not extend beyond the date of the first arrival of the ship at her final port of destination, in the United Kingdom after the 24th June or 31st December next following.

13. Within twenty-one days after the 30th June or the 31st December, the master, if by change of employment the vessel leaves the home for the foreign trade, the master or owner is to deliver to the superintendent of a mercantile marine office, a return in this form, together with accounts of the wages and effects of any seaman or apprentice, whether he formed part of the crew or not, who has been on board during the period of the home-trade agreement, and any effects remaining unsold and the balance of wages or other moneys belonging to any such seaman or apprentice. The master is also to deliver to the superintendent the certificates, mates, engineers or seamen's R V 2) of any who have died or deserted during the voyage. The superintendent will then give a certificate for the purposes of clearance.

14. The master is to give to every seaman (or leave with the superintendent on his behalf an account on a form sanctioned by the Board of Trade, of his wages, and of all deductions to be made therefrom, at least twenty-four hours before the time of payment or discharge, under a penalty of £1 for non-compliance. Deductions for fines, forfeitures, &c., which are sought to be made in this account must be proved by proper entries made in the official log book.

15. Upon paying off or discharging any seaman, the master is bound under a penalty of 10*l.* to give the seaman a certificate of discharge, and the master of M. S. Act, 1892, is also bound under a penalty of 20*l.* to return to any certificated mate or engineer upon his discharge his certificate of competency or service.

16. A statement of the conduct, character, and qualification of each member of the crew, or a statement that he declines to give an opinion on such particulars, is to be entered in this list and signed by the master.

N.B.—This form must not be mutilated. Care should be taken at the time of engagement that a sufficiently large form is used. If more men are engaged during the half-year, terminating on the 30th day of June or 31st day of December next, than the number for whom signatures are provided in this form, an additional form, Eng. 6, should be obtained and used.

SANCTIONED BY
BOARD OF TRADERS,
APRIL, 1874.

Port of

No. 25A.—Special Half-Yearly Account of Voyages and Crews of Home Trade Ships.

When the Crews are to be employed in several Vessels belonging to the same Owners, and have been engaged upon Special Time Agreements under 18th Section of the M. S. Act of 1872 (c).

Date of Termination of Half-Year.	18
Executed in TWELVE PAGES.	

APPDX.

Name and Address of (Registered) Managing Owner.	
(Name.)	(Address.)

PARTICULARS OF VESSELS.

Names of Ships employed.	Official Numbers.	Registered Tonnage.	Horse Power of Engines.	Nature of Employment of Ships during the Half-Year.
1	2	3	4	5

MASTERS.

Names of Officers employed as Masters.	Particulars of Engagement.				Particulars of Discharge.		
	No. of Certificate as Master.	If in R. N. R. No. of Commission or R. V ² .	Ship in which he last served before joining the above Owner's Service.		Date of Commencement of Service during present Half-Year as Master of Ships belonging to this Employ.	Date, Place and Cause of leaving the above Owner's Service, or of Death.	
			Name of Ship and Official No.	Year.		Date.	Place. Cause.
1	2	3	4	5	6	7	8 9

PARTICULARS OF MATES AND ENGINEERS.

Names (in full) of Officers employed as Mates and Engineers.	Town or County where born.	Date of Engagement on Special Time Agreement. Eng. 3.	Particulars of Engagement.					Particulars of Discharge.					
			Capacity.	No. of Certificate of Competency or Service.	If in the R. N. Reserve, No. of R V's or Commission.	Ship in which he last served before joining this Service.		Date of Commencement of Service during present Half-Year as Mate or Engineer in Ships belonging to this Employ.	Date, Place and Cause of leaving this Service, or of Death.			Report of Character. †	
						Name of Ship and Official No.	Year.		Date.	Place.	Cause.*		General Conduct.	Ability.
1	2	3	6	6	7	8	9	10	11	12	13	14	15
(Continued on page 2.)													

(Continued on page 2.)

* See note at end of Form, p. xxviii.

† See note at end of Form, p. xxviii.

(a) See "Forms," No. 25a.

(b) It is understood that the next issue of this Form will contain a column headed "Date of Birth."

ENG. 3.

No. 25B.—Special Agreement for Seamen in the Home or Coasting Trade (a).

SANCTIONED BY THE
BOARD OF TRADE,
IN PURSUANCE OF
MERCHANT SHIPPING
ACT, 1872.

BETWEEN owner or agent,* of † of the one part,
and ‡, seaman, of § of the other part. The said seaman,
whose name is hereto subscribed, and whose description is contained
below, agrees to serve in the ship or ships belonging to the said §
for the term of weeks from this day, in the capacity of
to be employed only in the home or coasting trade.

And the said seamen agrees to conduct himself in an orderly, honest, and sober manner, and to be at all times diligent in the discharge of his duty, and to be obedient to the lawful commands of the master of the ship or ships in which he may be employed during the term of this agreement, or of any person who shall lawfully succeed the said master, or of his superior officers, in everything relating to the ship, and the stores thereof, whether such commands are given on board, in boats, or on shore, and in consideration of the service as aforesaid, the said owner or agent hereby agrees to pay the said seaman as wages¶ shillings for each week, inclusive of Sundays, during the term of this agreement; and the said seaman hereby agrees to provide himself with food, clothes, and all other necessaries. And it is hereby agreed, that if the said seaman shall be guilty of any embezzlement, or wilful or negligent destruction of any part of the ship, ship's cargo, or stores, the same shall be made good to the owner out of the wages of the said seaman. And if the said seaman enters himself under this agreement as qualified for a duty which he shall prove incompetent to perform, his wages shall be reduced in proportion to his incompetency, or this agreement may be cancelled if the said owner or agent shall so elect. And it is also agreed, that the regulations authorised by the Board of Trade, which are numbered ** and printed on the back of this agreement, are adopted by the parties hereto, and shall be considered as embodied in this agreement. And it is also agreed, that if the said seaman considers himself to be aggrieved by any breach of this agreement or otherwise, he may represent the same, in a quiet and orderly manner, to the master or officer in charge of the ship in which he serves at the time, who shall thereupon take such steps as the case may require. And it is also agreed,††

PARTICULARS OF SEAMEN REFERRED TO.

Name of Seaman.	Age.	Town or County where born.	If Mate or Engineer, No. of his Certificate (if any).	If in Reserve, No. of RV 2

NATURE OF PREVIOUS SERVICE.

Name of last Ship.	Official No. or Port of Registry, if known.	Date and Place of Discharge therefrom.		Whether Coasting or Foreign.
		Date.	Place.	

In witness whereof the said parties have subscribed their names hereto this day of 187 .

Signature of Witness. _____ Owner or Agent.
Address of Witness. _____ Seaman.

NOTE.—A duplicate of this agreement must be forwarded to the Registrar-General of Shipping and Seamen within forty-eight hours after it has been entered into.

Notwithstanding this agreement, the seaman's name must be entered in the usual way on the agreements (if any) and lists of the ships on board of which he serves (b).

* Erase the words which do not apply. + Here state the owner's or agent's address.
‡ Here state seaman's name. § Here state seaman's address. † Here state owner's name.
¶ Amount to be stated in words. ** See back of this agreement.
†† Here may be inserted any stipulations to which the parties agree, and which are not contrary to law.

(a) See M. S. Act, 1872, s. 16.

(b) See "Forms" No. 25A.

[On the back of this form are printed "The Regulations for Maintaining Discipline," sanctioned by the Board of Trade in pursuance of the Merchant Shipping Act, 1854, s. 149, set out supra in "Forms," No. 25 (page 7).

**SANCTIONED BY THE
BOARD OF TRADE,
FEBRUARY, 1864.**

Name of Ship and Official Number.	Name of Master.	Description of Voyage or Employment.

Name of Seaman.	Date of Engagement.	Date of Discharge.	Rate of Wages.

				Amount.		Deductions.				Amount.	
Wages:—						Advance					
for	months	days..	..			Allotment (b)					
						Fines and Forfeitures					
Deductions as per contra .. ..				..			
Balance due				£		Total deductions				£	

Dated at the port of this day of 18 .

____ { Signature of
Master.

NOTICE TO MASTERS.—One of these accounts must be filled up and delivered to each member of the crew, or if he is to be paid off at a mercantile marine office, to the superintendent of that office, at least twenty-four hours before he is paid off, under a penalty not exceeding 5*l.*, and no deduction will be allowed unless duly inserted.

(a) See M. S. Act, 1854, s. 171.

(b) The following form of "Authority for Allotment Notes" is issued under the sanction of the Board of Trade:—

**SANCTIONED BY THE BOARD
OF TRADE, MAY, 1855.
In pursuance of
17 & 18 Vict. c. 104.**

(V) AUTHORITY FOR ALLOTMENT NOTES.

I hereby authorize _____, master of the ship _____, of _____, official number _____, to give allotment or monthly notes to the wives, fathers, mothers, grandfathers, grandmothers, children or grandchildren, brothers or sisters, of any of the crew, to the extent of one _____ part of their respective monthly wages.

Dated at _____, the _____ day of _____, 18 ____.

Signed _____ (Owner, Part Owner, or Agent.)

NOTE.—This document, when signed, is to be delivered to the Superintendent.

SANCTIONED BY THE BOARD OF
TRADE, MAY, 1855,
In pursuance of 17 & 18 Vict.
c. 104.

M. No. 27.—Release at the Termination of a Voyage. (See M. S. Act, 1854, s. 175.)

Port

Name of Ship.	Official Number.	Port, No. and Date of Register.	Port of Registry.	Name of Master.	Name of Owner.	Description of Voyage.	Date and Place of Commencement of Voyage.	Date and Place of Termination of Voyage.

We, the undersigned members of the crew of the said ship, do hereby release the said ship and the master and owner or owners thereof from all claims for wages or otherwise in respect of the above-mentioned voyage; and I, the master, do hereby release the said crew from all claims in respect of the said voyage.

Dated at _____, the _____ day of _____, 18 _____.

(Signed) _____, Master.

Signatures of Crew.	Shipping Office or Home No., if any.	Signatures of Crew.	Shipping Office or Home No., if any.	Signatures of Crew.	Shipping Office or Home No., if any.

I attest the execution of the above release in my presence,

(Signed) _____, Superintendent of Mercantile Marine Office.

[In the case of foreign-going ships, a Form of "Release at the Termination of a Voyage" is incorporated with the "Agreement and Account of Crew," see "Forms," No. 24.]

No. 27A.—Certificate for Clearing Inwards Foreign-going Ship. (See M. S. Act, 1854, s. 161).

SANCTIONED BY
THE BOARD OF TRADE, 1874.
In pursuance of 17 & 18 Vict. c. 104.
(B B)
FOREIGN-GOING SHIP.
CERTIFICATE FOR CLEARING INWARDS.

RECEIPT ON DISCHARGE.

No. _____
Name of Master _____
Name of Ship _____
Official Number _____
Port belonging to _____
Reg. Tonnage _____
Dated _____ at _____ day of _____, 18 _____
Signature of the Master of the Ship, _____

Name of Master.	Name of Ship.	Official Number.	Port belonging to.	Registered Tonnage.
Port of Discharge.			From whence arrived.	

I certify that the above-named master has this day deposited with me his agreement, official log-book, also a list of his crew, and all other documents required (pursuant to the provisions of the statute in that behalf) on his return voyage from _____
Dated at _____, day of _____, 18 _____
_____, Superintendent of Mercantile Marine.

(Substitute for E 1, C 11, and CC 5).

No. 28.—Certificate of Discharge for Seamen Discharged before the Superintendent of a Mercantile Marine Office in the United Kingdom, a British Consul, or a Shipping Officer in British Possession abroad. (See M. S. Act, 1854, s. 176) (a).

Dis. I.

SANCTIONED BY
THE BOARD OF TRADE,
JANUARY, 1869.
No.

Name of Ship.	Official Number.	Port of Registry.	Registered Tonnage.

Horse Power of Engines (if any).	Description of Voyage or Employment.

Name of Seaman.	Age (y).	Place of Birth.	No. of R. N. R. Commission or Certificate.	Capacity.—If Mate or Engineer, No. of Certificate (if any).

Date of Engagement.	Place of Engagement.	Date of Discharge.	Place of Discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly*, and that the character described on the other side hereof is a true copy of the report concerning the said seaman.

Dated this day of 18 . Master. Signature of seaman Signature of Superintendent, Consul, or Shipping Officer. (Office Seal or official stamp).

NOTE.—Any person who makes, assists in making, or procures to be made any false certificate or report of the service, qualifications, conduct, or character of any seaman, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or report, or who fraudulently makes use of any certificate or report, or of any copy of any certificate or report which is forged or altered, or does not belong to him, shall for each such offence be deemed guilty of a misdemeanour, and may be fined or imprisoned.
[*] On the back of the form there are spaces for inscribing character for ability and for conduct. The spaces are marked "Very good," "Good," "Declines to report."

(a) See "Forms," No. 23 a. (b) It is understood that the next issue of this form will contain a column headed "Date of Birth."

No. 28 A.—Certificate of Discharge for Seamen not Discharged before a Superintendent of a Mercantile Marine Office.
(See M. S. Act, 1854, s. 172.)

E.
SANCTIONED BY
THE BOARD OF TRADE,
MAY, 1855.
In pursuance of
17 & 18 Vict. c. 104.

Name of Ship.	Official Number.	Port of Registry.	Registered Tonnage.	Description of Voyage or Employment.

Name of Seaman.	Place of Birth.	Date of Birth.

Number of Fund Ticket (if any).	Capacity.	Date of Entry.	Date of Discharge.	Place of Discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated this day of 18 .
(Countersigned) Witness Seaman. (Signed) Master.

NOTE.—One of these certificates must be filled up and delivered to every seaman who is discharged otherwise than before a superintendent of a mercantile marine office.

* * The Forms on the following pages which relate to Medicines and Medical Stores are numbered "Forms," No. 36; "Forms," No. 37," and "Forms," No. 39.

The Forms on this and the following pages relating to Passenger Ships are issued or sanctioned by the Board of Trade.

Form St. 1.

No. _____

No. 29.—Passenger Certificate for a Foreign-going Steam Ship(a).

ISSUED BY THE
BOARD OF TRADE
IN PURSUANCE
OF THE "MER-
CHANT SHIPPING
ACT, 1854."

To remain in force only until the day of , 18 .

Steam Ship _____

Owner, managing owner, or agent _____

Port of Registry and Official Number.	Register Tonnage.	Name of Master and Number of his Certificate.

TRADE for which this Certificate is issued. _____

NUMBER OF PASSENGERS this Ship is, according to the declaration of the Shipwright Surveyor, fit to carry when there is no incumbrance of Passenger Accommodation :—

Fore-Cabin Passengers.	After-Cabin Passengers.	Total Passengers.

N.B.—These fore-cabin and after-cabin passengers are to have the use of sufficient space on the upper deck of the vessel; and no deck passengers are to be carried in addition.

Two children under 12 years of age to be reckoned as one passenger.

If the space measured for passenger accommodation is occupied by cattle, or by cargo or other articles, then for every 72 cubic feet of such space so occupied one passenger is to be deducted from the numbers above stated.

NOTE.—If on any voyage a certificate for this vessel is issued by an officer of the Emigration Commissioners, then the number of passengers passed by that officer, and not the number stated on this certificate, is the number of passengers this vessel is authorized to carry on such voyage.

BOATS, LIFE-BUOYS, AND EQUIPMENTS required to be carried by this ship.

Boats and Life-Boats.	Life-Buoys and Equipments.
<p>Boats { of the aggregate capacity of } Cubic feet.</p> <p> Either</p> <p> of the aggregate capacity of } Cubic feet.</p> <p> or</p> <p>Boats { of the aggregate capacity of } Cubic feet.</p> <p> and</p> <p>Boat { of the capacity of } Cubic feet.</p> <p>Life-Boats</p> <p>Fitted with all requisites for use.</p> <p>Two { of the aggregate capacity of } 1,000 Cubic feet.</p> <p>Life-boats { capacity of } feet.</p> <p>One Life-boat in addition to the above-mentioned boats, or one of the above rendered buoyant as a life-boat.</p>	<p>A fire hose capable of being connected with the engine, and of sufficient length to be used in any part of the vessel.</p> <p>A safety valve on each boiler, out of the control of any person on board, except the master, when the steam is up.</p> <p>Twelve blue lights or twelve port fires.</p> <p>One cannon and twelve cartridges, or other approved means of making signals of distress.</p> <p>Two life-buoys fit and ready for use.</p> <p>Compasses properly adjusted.</p>

If on any occasion this steam ship is employed in carrying passengers under the provisions of the Passengers Acts, then the boats required by the Passengers Acts, and not the boats required by the Merchant Shipping Act, 1854, are to be carried.

This is to certify that the provisions of the law with respect to the survey of the above—

(a) See M. S. Act, 1854, s. 312, and "Forms," No. 30. [As to the survey and clearance of passenger ships within the Passengers Acts, 1855 and 1863, see Passengers Act, 1855, s. 11; Passengers Act, 1863, ss. 3, 13, and M. S. Act, 1876, ss. 14—21.]

"Forms," No. 29—(continued).

mentioned steam ship, and the transmission of declarations in respect thereof, have been complied with.

Signed by Order of the Board of Trade, this day of 18 .

Examined and registered,

{ One of the assistant secretaries
to the said Board.

This certificate, unless previously cancelled or revoked, to be in force until the day of , 18 .

If the ship is then out of the United Kingdom, she must be surveyed and have a new certificate before she first begins to ply with passengers after her next subsequent return to the United Kingdom.

Either this certificate, or the duplicate thereof, furnished by the Board of Trade, is to be put up in a conspicuous part of the ship, where it will be visible to all persons on board the same, under a penalty not exceeding ten pounds.

If the number of passengers carried exceeds the number stated on this certificate, the master or owner will be liable to a penalty not exceeding twenty pounds, and to a further penalty for every extra passenger.

On the back of this Form is the following Indorsement:—

Amount of any additional fee not paid on application for survey to be paid for this certificate in accordance with the Merchant Shipping Acts, 1854 to 1876.....

Amount charged to the owners under the 307th section of the Merchant Shipping Act, 1854, being expenses incurred by the surveyors in connection with survey of the vessel for which this certificate is granted, viz.:—

	£	s.	d.
Expenses of surveyor.....			
Telegrams, &c.			
Forfeiture under section 310 of the Act, — days at 10s.			

Total fee and expenses £

Name and address of the person to whom the certificate is to be delivered on application:

Whether owner, agent, or master of the ship

Mercantile Marine Office at

RECEIVED this day of , 18 , of M the sum of pounds
shillings and pence, being the amount of the fee and expenses as
above stated.

£

Superintendent.

In case of any accident occasioning loss of life, or any material damage affecting the seaworthiness or efficiency of the vessel, either in the hull, or in any part of the machinery, a report by letter, signed by the owner or master, is to be forwarded to the Board of Trade, within 24 hours after the happening of the accident, or as soon thereafter as possible, under a penalty not exceeding fifty pounds.

N.B.—Any communication addressed to the Board of Trade relative to this vessel should state the name, port of registry, and official number of the vessel, and the number of this certificate.

Form St. 2.

No. .

No. 30.—Passenger Certificate for a Home Trade Passenger Steam Ship (a).

To remain in force only until the day of , 18.

Steamship _____ Owner, managing owner, or agent _____

Port of Registry and Official Number.	Register Tonnage.	Name of Master and Number of his Certificate.

THIS SHIP IS NOT TO FLY BEYOND THE LIMITS OF THE HOME TRADE; and is, according to the declaration of the Shipwright Surveyor, fit to carry the NUMBER OF PASSENGERS stated below, when the Space measured for Passenger Accommodation is not occupied by Cargo or other Incumbrance, viz.:—

Third-Class Passengers (including Deck Passengers, when so called), and where carried.*				Second-Class Passengers, and where carried.				Saloon Passengers, and where carried.				† Drivers and Dealers, and where carried.	
On Deck.	No.	In Cabin.	No.	On Deck.	No.	In Cabins.	No.	On Deck.	No.	In Saloons.	No.	Where carried.	No.
From windlass to mark amidships		In fore cabin		State where		State where		State where		Berths ...			
From mark amidships to _____		In 'tween decks forward.		From _____						Sofa berths			
Other space, stating it _____		In 'tween decks aft.		To _____									
		In after cabin.											
Total ...		Total ...		Total ...		Total ...		Total ...		Total ...		Total ...	

* Water-closets are to be provided for the exclusive use of third-class passengers, in the ratio of three for every 200 passengers (of that class) allowed by this certificate. Clear passages to these closets must always be maintained. A fair proportion of the closets must be allotted to the sole use of women and children, and must be so marked outside.

† This applies only in the case of ships carrying live animals when drovers are on board.

If any of the space measured for passenger accommodation is occupied by live animals, they should, if carried under cover, be separated from the passengers by a (moveable) close bulkhead extending from the deck to the covering above. If live animals are carried on the same level deck as passengers, and are not under cover, then the space occupied by the animals shall be effectually shut off from the passenger space by bulkheads, wooden partitions, or otherwise. The partitions need not be close.

BOATS, LIFE-BUOYS, and EQUIPMENTS required to be carried by this Ship.

Boats and Life-boats.			Life-buoys and Equipments.	
Either			Two life-buoys fit and ready for use.	
Boats { of the aggregate }	capacity of }	cubic feet.	A fire hose, capable of being connected with the engine, and of sufficient length to be used in any part of the vessel.	
or			A safety valve on each boiler, out of the control of any person on board, except the master, when the steam is up.	
Boats { of the aggregate }	capacity of }	cubic feet.	Six blue lights and two storm signals.	
and			Twelve rockets of 16 oz. each.	
One boat of the capacity of		cubic feet.	One cannon and twelve cartridges of 16 oz. each, or other approved means of making signals of distress.	
LIFE-BOATS fitted with all requisites for use.			Compasses properly adjusted.	
Two life-boats { of the aggregate }		1,000 cubic feet.		
One life-boat in addition to the above-mentioned boats, or one of the above rendered buoyant as a life-boat.				

This is to certify that the provisions of the law with respect to the survey of the above-

(a) See M. S. Act, 1854, s. 312, and "Forms," No. 29. [As to the survey and clearance of

mentioned steamship, and the transmission of declarations in respect thereof, have been complied with.

Signed by Order of the Board of Trade, this day of , 18 .

Examined and registered,

{ One of the assistant secretaries
to the said Board.

This certificate, unless previously cancelled or revoked, to be in force until the day of 18 .

If the ship is then out of the United Kingdom, she must be surveyed and have a new certificate before she first begins to ply with passengers after her next subsequent return to the United Kingdom.

Either this certificate, or the duplicate thereof, furnished by the Board of Trade, is to be put up in a conspicuous part of the ship, where it will be visible to all persons on board the same, under a penalty not exceeding ten pounds.

If the number of passengers carried exceeds the number stated on this certificate, the master or owner will be liable to a penalty not exceeding twenty pounds, and to a further penalty for every extra passenger.

On the back of this Form is the following Indorsement :—

Amount of any additional fee not paid on application for survey to be paid for this certificate in accordance with the Merchant Shipping Acts, 1854 to 1876 :

Amount charged to the owners under the 307th section of the Merchant Shipping Act, 1854, being expenses incurred by the surveyors in connection with survey of the vessel for which this certificate is granted, viz. :—

	£	s.	d.
Expenses of surveyor.....			
Telegrams, &c.			
Forfeiture under section 310 of the Act, ——— days at 10s.			

Total fee and expenses . . £

Name and address of the person to whom the certificate is to be delivered on application :—

Whether owner, agent or master of the ship .

RECEIVED this day of 18 , of M Mercantile Marine Office at .
and pence, being the amount of the fee and expenses as above stated. the sum of pounds shillings

£ : :

————— Superintendent.

In case of any accident occasioning loss of life, or any material damage affecting the seaworthiness or efficiency of the vessel, either in the hull, or in any part of the machinery, a report by letter, signed by the owner or master, is to be forwarded to the Board of Trade, within twenty-four hours after the happening of the accident, or as soon thereafter as possible, under a penalty not exceeding fifty pounds.

N.B.—Any communication addressed to the Board of Trade relative to this vessel should state the name, port of registry, and official number of the vessel, and the number of this certificate.

passengers ships within the Passengers Acts, 1855 and 1863, see Passengers Act, 1855, s. 11; Passengers Act, 1863, ss. 3, 13; and M. S. Act, 1876, ss. 14—21.]

[The Board of Trade also grant "Passenger Certificates" applicable to steamers employed as follows :—

1. For steamers plying along the coast during daylight and within defined limits.
2. For steamers plying in waters which are partially smooth.
3. For steamers plying in smooth water.]

**No. 31.—Certificate of Clearance for Passenger Ships Clearing under the
Passengers Acts.**

CERTIFICATE OF CLEARANCE (a).

A.—SHIP.

Name and Official Number. (1.)	Port of Registry, and Register Tonnage. (2.)	Name of Master. (3.)

B.—VOYAGE.

Sailing from (4.)	Touching at (5.)	Destination. (6.)

C.—PASSENGERS AND CREW.

(CABIN PASSENGERS.)								Total Cabin Passengers.	Equal to Adults computed by the Passengers Act.
Adults (12 years and upwards).				Children.					
Married.		Single.		Between 1 and 12.		Under 1 Year.			
Male. (7.)	Female. (8.)	Male. (9.)	Female. (10.)	Male. (11.)	Female. (12.)	Male. (13.)	Female. (14.)		
								(15.)	(16.)

(a) See Passengers Act, 1855, s. 11, and Passengers Act, 1863, ss. 3, 13. [This form of certificate has been prepared by the Board of Trade. As to the survey and "Passenger Certificates" granted to passenger ships under the M. S. Act, 1854, see M. S. Act, 1854, ss. 2, 303, 309, 312; M. S. Act, 1872, s. 8; M. S. Act, 1873, ss. 15, 30, and M. S. Act, 1876, ss. 14—21.]

0000XX

APPENDIX.

"Forms," No. 31—(continued).

C.—PASSENGERS AND CREW—continued.

(INTERMEDIATE AND STEERAGE PASSENGERS.)								Total Steerage Passengers. (25.)	Equal to Adults computed by the Passengers Act. (26.)
Adults (12 years and upwards.)				Children.					
Married.		Single.		Between 1 and 12.		Under 1 Year.			
Male. (17.)	Female. (18.)	Male. (19.)	Female. (20.)	Male. (21.)	Female. (22.)	Male. (23.)	Female. (24.)		
Aggregate number of superficial feet in the several compartments set apart for passengers other than cabin passengers.. .. .									

(CREW.)								Total Crew. (35.)	Equal to Adults computed by the Passengers Act. (36.)
Men.				Boys.					
Officers and Sailors.	Engineers, Firemen, and Stokers.	Stewards.	Total Men.	Sailor Boys.	Engine Room Boys.	Other Boys.	Total Boys.		
(27.)	(28.)	(29.)	(30.)	(31.)	(32.)	(33.)	(34.)		
Total number actually on board, including crew									

Total number of statute adults that the ship can legally carry,
exclusive of the master, officers, crew, and cabin passengers ..

I hereby certify that the particulars inserted in the above form are in every way correct and true. I hereby also certify that all the requirements of Acts 18 & 19 Vict. c. 119, and 26 & 27 Vict. c. 51, so far as the same can be complied with before the departure of the said ship (a), have been duly complied with, and that the said ship is, in my opinion, seaworthy, in safe trim, and in all respects fit for her intended voyage; and that her passengers and crew are in a fit state to proceed.

Dated at this day of 18 .

Emigration Officer, or Assistant Emigration Officer.

(a) Before this certificate is granted the ship will have been surveyed (Surveys 27, Form A.), and certificates will have been granted with respect to the stowage of her cargo (Surveys 29, Form B.); the medical inspection of her passengers and crew and the survey of her provisions, water, medicines and medical stores. (Surveys 30, Form C.)

No. 32.—Schedule (B—0) to the Passengers Act, 1855.

SCHEDULE (B.) (a).

Form of Passengers List.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Statute Adults, exclusive of Master, Crew and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, that the provisions actually laden on board this ship are sufficient, according to the requirements of the Passengers Act, for statute adults for a voyage of days.

Dated 18 .

(Signature)

Master.

Names and Descriptions of Passengers (b).

Ports of Embarka- tion.	Names of Passen- gers.	Age of each Adult of 12 Years and upwards.				Children between 1 and 12 years.		Infants.		Pro- fession, Occupation, or Calling of Passen- ger.	State whether English, Scotch, or Irish.	Port at which Passen- gers have con- tracted to land.
		Married.		Single.								
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			

Summary.

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults					
Children between 1 and 12					
Infants					
Total					

We hereby certify, that the above is a correct list of the names and descriptions of all the passengers who embarked at the port of

(Signed)

Master.

Emigration Officer.

Officer of Customs at

Dated 18 .

(Countersigned)

N.B.—Lines should be ruled in the same form for any additions to the list after the ship first clears out; and similar certificates be subjoined to such additions according to the requirements of the act.

(a) See Passengers Act, 1855, ss. 16, 17.

(b) Cabin Passengers must be included; see Passengers Act, 1863, s. 6.

"Forms," No. 32—continued.

SCHEDULE (C.) (a).

Form of Bond to be given by the Master and by the Owner or Charterer of a "Passenger Ship."

* Insert here the christian and surnames in full, with occupations and addresses of each of the two obligors.

Know all men by these presents, that we* are held and firmly bound unto our Sovereign by the grace of God of the United Kingdom of Great Britain and Ireland defender of the faith, in the sum of two thousand pounds (b) of good and lawful money of Great Britain, to be paid to our said the heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and

Whereas by the Passengers Act, 1855, it is amongst other things enacted, that, before any "passenger ship" shall clear out or proceed to sea, the master, together with the owner or charterer of the ship, or in the absence of such owner or charterer, or if the master be the owner or charterer, one other good and sufficient person, to be approved by the chief officer of customs at the port of clearance, shall enter into a bond to Majesty, heirs and successors, in the sum of two thousand pounds:

+ The clause within brackets is to be inserted only when the ship is to call at an intermediate port to take in water as provided by s. 34 of the act.

Now the condition of this obligation is such, that if the ship whereof the above bounden is master, bound to is in all respects seaworthy, † [and if the said ship shall call at the port of and there shall be shipped on board at such port pure water for the use of the passengers, sufficient in quantity to afford an allowance of three quarts daily to each statute adult for the period of days on the voyage from such port to the final port or place of discharge of such vessel,] and if (notwithstanding any penalty by the said act imposed, and whether the same may have been sued for and recovered or not,) all and every the requirements of the said Passengers Act, 1855, (except such of them as relate exclusively to passage brokers and runners,) and of the emigration commissioners (c) acting in the manner prescribed by the said act, and of any order passed by her Majesty in Council relating to "passenger ships" and now in force, shall in all respects be well and truly performed, ‡ [and if the master for the time being of the said ship shall submit himself, in like manner as a British subject being the master of a British passenger ship, to the jurisdiction of the tribunals in Majesty's possessions abroad, empowered by the said act to adjudicate on offences committed against the said act], and if moreover all penalties, fines, and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or nonfulfilment of any of such requirements as aforesaid shall be well and truly paid, and if all expenses incurred by the secretary of state or any governor or British consular officer under the provisions of this act shall also be well and truly paid, then this obligation to be void, otherwise to remain in full force and virtue.

‡ This clause to be inserted only in the case of a foreign passenger ship proceeding to any of the British Colonies.

‡ Insert names and addresses in full of the witnesses.

§ Certificate to be signed by the chief officer of customs and forwarded with the bond to the colony, according to s. 64 of the act.

Signed, sealed and delivered by the above-bounden and in the presence of §

|| [I hereby certify, that the above bond was duly signed, sealed and delivered according to the law of Great Britain by the said master of the said ship and by the said (other obligor).

(Signature)

(Date) 185 .

{ Chief Officer of Customs for the port of

SCHEDULE (D.) (d).

Form of Passage Broker's Annual Bond, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

* Insert christian and surnames in full, with occupations and addresses of each of the parties.

Know all men by these presents, that we, A. B.* of C. D. of, &c. and E. F. of, &c. are held and firmly bound unto our Sovereign by the grace of God of the United Kingdom of Great Britain and Ireland defender of the faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said the heirs

(a) See Passengers Act, 1855, ss. 11, 63.

(b) By sect. 17 of the Passengers Act, 1863, the bond must be for 5,000*l.*, where neither the owners nor the charterer reside in the United Kingdom, and must contain the additional condition there referred to.

(c) Now the Board of Trade; see M. S. Act, 1872, s. 5.

(d) See Passengers Act, 1855, s. 66.

and successors; to which payment well and truly to be made we bind ourselves, and every of us, jointly and severally, for and in the whole, our heirs, executors and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and .

Whereas by the Passengers Act, 1855, it is amongst other things enacted, that no person whatever, save as therein excepted, shall directly or indirectly act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the sale or letting of passages in any ship, whether a "passenger ship" or otherwise, proceeding from the United Kingdom to any such place as aforesaid, unless such person, with two good and sufficient sureties, to be approved by the emigration officer at the port nearest the place of business of such person, shall have previously entered into a joint and several bond to her Majesty, her heirs and successors, in the sum of one thousand pounds: And whereas the said *C. D.* and *E. F.* have been duly approved by the proper emigration officer as sureties for the said *A. B.*:

Now the condition of this obligation is such, that if the above-bounden *A. B.*, and every agent whom he may employ in his business of a passage broker, shall well and truly observe and comply with all the requirements of the said recited act, so far as the same relate to passage brokers, and further shall well and truly pay all fines, forfeitures, and penalties, and also all sums of money, by way of subsistence money, or of return of passage money and compensation, to any passenger, or on his account, together with all costs which the above-bounden *A. B.*, or any of his agents as aforesaid, may at any time be adjudged to pay under or by virtue of any of the provisions of the said recited act, then and in such case this obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered by the above-bounden *A. B.*, *C. D.*, and *E. F.*, in the presence of *

* Insert the names and addresses in full of the witnesses.

N.B.—This bond is to be executed in duplicate, in the presence of and to be attested by an emigration officer or his assistant, or an officer of customs, or a magistrate, or a notary public. One part is to be deposited with the emigration commissioners (a) in London, and the other part with the emigration officer at the port nearest to the place of business of the broker. Each member of a firm or partnership who acts as a passage broker must give a separate bond with two sureties.

[The bond is exempt from stamp duty, but must be renewed annually with licence.]

SCHEDULE (E.) (b).

Form of Passage Broker's Licence.

*A. B.** of in the having shown to the satisfaction of me [or us] the undersigned, that he hath given bond to Majesty, as by the Passengers Act, 1855, required, and also given fourteen days' previous notice to the emigration commissioners (a) of his intention to make application for a licence to carry on the business of a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, I [or we], the undersigned, having had no sufficient cause shown to me [or us], and seeing no valid reason why the said *A. B.* should not receive such licence, do hereby licence and authorize the said *A. B.* to carry on the business of a passage broker as aforesaid until the end of the present year, and thirty-one days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A. B.*, as in the Passengers Act, 1855, is provided.

* The christian and surnames in full, with the address and trade or occupation of the party applying for the licence, must be correctly inserted. If a member of a firm, the christian and surnames of all the members must be given.

Given under my hand and seal [or our respective hands and seals], this day of , 186 , at

Signature

(L.S.)

{ Justices of the Peace, Police or Stipendiary Magistrate, or Sheriff or Steward, or Sheriff or Steward Substitute [as the case may be].

N.B.—Each member of a firm or partnership who acts as a passage broker must have a separate licence.

(a) Now the Board of Trade; see M. S. Act, 1872, s. 6.

(b) See Passengers Act, 1855, s. 67.

"Forms," No. 32—continued.

SCHEDULE (F.) (a).

Form of Notice to be given to the Emigration Commissioners (b) by Justices granting a Licence.

Gentlemen,

* Insert the christian and surnames in full, with the address and occupation of the party.

This is to give you notice, That we [or I], the undersigned, did on the day of 1855, licence A. B. of* to carry on the business of a passage broker under the provisions of the Passengers Act, 1855.

Signatures

{ Justices of the Peace [or as the case may be.]

Place

Date

To the Emigration Commissioners, (b) }
London.

SCHEDULE (G.) (a).

Form of Notice to be given to the Emigration Commissioners (b) by any Applicant for a Passage Broker's Licence.

Gentlemen,

* The christian and surnames in full, with the address and trade or occupation of the party applying for a licence, must be here correctly inserted.

+ The place or district in which the party giving the notice has his place of business.

I, A. B.* of in do hereby give you notice, that it is my intention to apply, after the expiration of fourteen clear days from the putting of this notice into the post, to the justices to be assembled in petty sessions to be held † [or to the police or stipendiary magistrate for the city, or borough or district of or, if in Scotland, to the sheriff or steward of as the case may be,] for a licence to carry on the business of a passage broker under the provisions of the Passengers Act, 1855.

Signature

Date

To the Emigration Commissioners, (b) }
London.

SCHEDULE (H.) (a).

Form of Notice to be given by the Justices to the Emigration Commissioners (b) of Forfeiture of a Passage Broker's Licence.

Gentlemen,

* The christian and surnames in full, with the address and trade or occupation of the party to be here inserted.

+ Here state generally the reason of forfeiture.

This is to give you notice, That the licence granted on the day of 186 to A. B.* of in to act as a passage broker, was on the day of now last past duly declared by me [or us] the undersigned justices of the peace in petty sessions assembled, to be forfeited †

Signatures

Place and date

18 .

To the Emigration Commissioners, (b) }
London.

SCHEDULE (I.) (c).

Form of Appointment of Passage Broker's Agent.

DIRECTIONS.

Insert in the proper places the christian and surnames in full, with the correct addresses and designations of the constituent and agent respectively.

I, A. B., of, &c. [or as the case may be] one of the partners and on behalf of the firm of, &c. [name all the partners and the style of the firm] carrying on the business of at , do hereby nominate and appoint you, C. D., of &c., to act as my agent and on my behalf in the sale or letting of passages and otherwise in the business of a passage broker, according to the provisions of the Passengers Act, 1855.

Signature in full

Place and date

18 .

Counter Signature.

{ Emigration Officer at the Port of .

(a) See Passengers Act, 1855, s. 67.

(b) Now the Board of Trade; see M. S. Act, 1872, s. 5.

(c) See Passengers Act, 1855, s. 66.

SCHEDULE (K.) (a).

COUNTERPART OF CABIN PASSENGER'S CONTRACT TICKET.

This counterpart is to be produced by the owner, charterer, or master of the ship to the immigration officer at the port of embarkation (or, if no such officer, to the officer of Customs), or to any one appointed by him to receive it, under a penalty for default not exceeding 10*l*.

These directions form part of, and must appear on, each contract ticket.

1. A contract ticket in this form must be given to every cabin passenger engaging a passage in a "passenger ship" from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, under a penalty not exceeding 5*l*.

2. Unless the passengers are to have a free table, the victualling scale for the voyage must be appended to the contract ticket.

3. All the blanks must be correctly and legibly filled in, and the ticket must be legibly signed with the christian names and surname and address in full of the party assuming the same.

4. The day of the month on which the ship is to sail must be inserted in words and not in figures only.

5. When once issued, this ticket must not be withdrawn from the passenger, nor any alteration or erasure made in it, unless with his consent.

Ship of tons register, to sail from for on the day of 188 .

In consideration of the sum of £ I hereby agree with the person named in the margin hereof that such person shall be provided with class cabin passage in the above-named ship, to sail from the port of for the purpose of each person, and that such person shall be victualled as class cabin passenger during the voyage, and the time of detention at any place before its termination; and I further engage to hold the person aforesaid, with his baggage, at the destination named, free of any charge beyond the passage money aforesaid, and I hereby acknowledge to have received the sum of £ in full payment of such passage money.

Signature in full
Place and date

[If signed by a broker or agent, state on whose behalf.]

to be paid at

Deposit £
Balance £
Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

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Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

SCHEDULE (K.) (a).

COUNTERPART OF CABIN PASSENGER'S CONTRACT TICKET.

This counterpart is to be produced by the owner, charterer, or master of the ship to the immigration officer at the port of embarkation (or, if no such officer, to the officer of Customs), or to any one appointed by him to receive it, under a penalty for default not exceeding 10*l*.

These directions form part of, and must appear on, each contract ticket.

1. A contract ticket in this form must be given to every cabin passenger engaging a passage in a "passenger ship" from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, under a penalty not exceeding 5*l*.

2. Unless the passengers are to have a free table, the victualling scale for the voyage must be appended to the contract ticket.

3. All the blanks must be correctly and legibly filled in, and the ticket must be legibly signed with the christian names and surname and address in full of the party assuming the same.

4. The day of the month on which the ship is to sail must be inserted in words and not in figures only.

5. When once issued, this ticket must not be withdrawn from the passenger, nor any alteration or erasure made in it, unless with his consent.

Ship of tons register, to sail from for on the day of 188 .

In consideration of the sum of £ I hereby agree with the person named in the margin hereof that such person shall be provided with class cabin passage in the above-named ship, to sail from the port of for the purpose of each person, and that such person shall be victualled as class cabin passenger during the voyage, and the time of detention at any place before its termination; and I further engage to hold the person aforesaid, with his baggage, at the destination named, free of any charge beyond the passage money aforesaid, and I hereby acknowledge to have received the sum of £ in full payment of such passage money.

Signature in full
Place and date

[If signed by a broker or agent, state on whose behalf.]

to be paid at

Deposit £
Balance £
Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

Deposit £
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Deposit £
Balance £
Total £

to be paid at

Deposit £
Balance £
Total £

to be paid at

SCHEDULE (L.) (a).

PASSENGER'S CONTRACT TICKET.

Ship

Counterpart of Passenger's Contract Ticket.

This part of the contract ticket is to be separated from the other, and to be delivered by the passenger to the emigration officer at the port of embarkation, (or, if no such officer, to the officer of customs,) or to any one appointed by him to receive it, under a penalty not exceeding 10*l*.

CONTRACT TICKET.

I engage that the persons mentioned below shall be provided with a steerage passage to and be landed at the port of in the ship of tons, with not less than ten cubic feet for luggage for each statute adult, and shall be victualled during the whole voyage according to the dietary scale prescribed by law. The ship to receive her passengers at on the day of 186 . Passage money, including government dues, if any, and all charges of landing, £ .

Names.	Ages.

souls, equal to statute adults.

To be signed in full by the party issuing the ticket

* Insert number of souls and of statute adults respectively.

These directions, and the "Notices to passengers" below, form part of, and must appear on, each contract ticket.

1. A contract ticket in this form must be given to every passenger engaging a passage from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea.

2. The victualling scale for the voyage must be printed in the body of the ticket.

3. All the blanks must be correctly filled in, and the ticket must be legibly signed with the christian names and surname and address in full of the party issuing the same.

4. The day of the month on which the passengers are to embark must be inserted in words and not in figures.

5. When once issued, this ticket must not be withdrawn from the passenger, nor any alteration, addition, or erasure made in it.

Ship of tons register, to take in passengers at for 186 .

Names.	Ages.	Equal to Statute Adults.

I engage that the person named in the margin hereof shall be provided with a steerage passage to, and shall be landed at, the port of in the ship with not less than ten cubic feet for luggage for each statute adult, and shall be victualled during the voyage and the time of detention at any place before its termination, according to the subjoined scale, for the sum of £ including government dues before embarkation, and head money, if any, at the place of landing, and every other charge, except freight for excess of luggage beyond the quantity above specified, and hereby acknowledge to have received the sum of £ in full payment.

The following quantities, at least, of water and provisions (to be issued daily), will be supplied by the master of the ship, as required by law, viz., to each statute adult three quarts of water daily, exclusive of what is necessary for cooking the articles required by the Passengers Act to be issued in a cooked state; and a weekly allowance of provisions according to the following scale:

[Here insert the victualling scale intended to be used on the voyage. This must be either the scale prescribed in the 36th section of the Passengers Act, 1855, or that scale modified by the introduction of articles authorized by the act to be substituted for oatmeal, rice, and potatoes.]

[N.B. —If mess utensils and bedding are to be provided by the ship, the stipulation must be inserted here.]

Signature in full.

Place and date.

[If signed by a broker or agent, state on whose behalf.]

Deposit £
Balance £
Total £

to be paid at

NOTICES TO PASSENGERS.

1. If passengers, through no default of their own, are not received on board on the day named in their contract tickets, or fail to obtain a passage in the ship, they should apply to the government emigration officer at the port, who will assist them in obtaining redress under the Passengers Act.

2. Passengers should carefully keep this part of their contract ticket till after the end of the voyage.

N.B.—This contract ticket is exempt from stamp duty.

(a) See Passengers Act, 1855, s. 71.

SCHEDULE (M.) (a).

Form of Emigrant Runner's Annual Licence.

*A. B.** of in the having made application in writing to us, the undersigned justices of the peace assembled in petty sessions, for the † of to grant to him a licence to enable him to be registered as an emigrant runner in and for †, and the said [*A. B.*] having also been recommended as a proper person to receive such licence by an emigration officer, or by the chief constable [or other head officer of police, as the case may be] of [the district, town or place in which the said *A. B.* is to carry on his business]: We, the under-mentioned justices, having no sufficient cause shown to us, and seeing of ourselves no valid reason why the said *A. B.* should not receive such licence, do hereby grant to him this licence for the purposes aforesaid, subject nevertheless to be revoked for misconduct on the part of the said *A. B.*, as in the "Passengers Act, 1855," is provided.

* The christian and surnames in full, with the address of the party applying for the licence, must be here correctly inserted.
 † City, town, or district in which the emigrant runner is to carry on his business.

SCHEDULE (N.) (b).

Form of Summons for a Defendant or a Witness.

A. B. Complainant. } This is to command you to appear without fail on
C. D. Defendant. } the day of instant [or next] at o'clock
 in the noon, at before me, or other the
 County, or city, or } magistrate or justices of the peace then and there pre-
 borough, or police, } sent *, [to answer the complaint of (an emigration
 district of [as] officer, or assistant emigration officer, or officer of customs),
 the case may be]. } or [in the colonies a government emigration or immigration
 agent, as the case may be], for a breach of the
 section [or sections, as the case may be], of the "Passengers Act, 1855,"† [or
 to give evidence in the complaint of *A. B.* against *C. D.* for breach of the
 "Passengers Act, 1855."]

* Insert this when the defendant is summoned.

† Insert this in case a witness is summoned.

Signed

Justice of the peace, or police or
 stipendiary magistrate, or sheriff
 or steward, or sheriff substitute,
 or steward substitute [as the case
 may be].

Dated this day of 18 .

* State whether emigration officer, or officer of customs, or government emigration agent, or passenger of the ship, as the case may be.

† Here describe briefly and in general terms the requirement [or requirements] of the act which has not been fulfilled.

‡ Name the witness, or witnesses if more than one.

§ Omit these words where

there is no conviction, but only an order of adjudication.

|| Insert this in cases where compensation is awarded.

¶ Name the passenger or passengers by or on whose behalf the compensation is awarded.

** Insert this where the offender is a passage broker, and his licence is declared forfeited.

†† Insert this where compensation out of the

SCHEDULE (O.) (b).

Form of Conviction and Order of Adjudication under the "Passengers Act, 1855," when the Defendant appears.

A. B. Complainant. } Be it remembered, that on the day of
C. D. Defendant. } instant, *C. D.* of personally came before me [or us,
 as the case may be], at to answer the complaint of
 County, or city, or } *A. B.** for a breach of the section [or sections, as
 borough, or police, } the case may be], of the "Passengers Act, 1855," in that,
 district, or stew- } &c.† or [as the case may be], for a breach of the contract
 artry of [as] contained in a certain contract ticket, dated and
 the case may be]. } issued by to for a passage to in the
 ship

Whereupon I [or we] did proceed to examine into the complaint so made against the said *C. D.*, and the same having been [admitted to be true by the said *C. D.*, or as the case may be,] fully proved to my [or our] satisfaction by the testimony on oath of *E. F.*‡, a credible witness [or witnesses], I [or we] § (do convict him the said *C. D.* of the offence [or offences] aforesaid; and I [or we] do adjudge and order that he shall pay to the said *A. B.* as such [emigration officer, or government emigration agent, or officer of customs, or passenger of the ship, as the case may be], the sum of £ by way of penalty [or by way of subsistence money, or of return of passage money, or as damages for breach of such contract as aforesaid, as the case may be,] [|| and shall also pay to the said *A. B.* the further sum of £ as compensation for the loss and inconvenience occasioned to ¶ by the loss of passage in the ship].

** (And I [or we] do also adjudge and order that the licence granted to the said *C. D.* to act as a passage broker be forfeited.)

†† (And I [or we] do hereby also adjudge and order that the sum of £ being a part not exceeding one moiety of the said penalty of £ be applied

(a) See Passengers Act, 1855, s. 76. (b) See Passengers Act, 1855, s. 86.

"Forms," No. 32—continued.

penalty is awarded to any aggrieved passenger.

†† Name the passenger or passengers.

to compensate †† for the wrong or damage which he [she or they] has or have sustained in this matter.)

And I [or we] do further adjudge and order that the said *C. D.* shall forthwith pay to the said *A. B.* the further sum of £ for the costs and charges by him the said *A. B.* incurred in the prosecution of this matter.

Given under my hand and seal [or our hands and seals], this day of 18 .

Signature

Justice of the peace, police or stipendiary magistrate, or sheriff or steward, or sheriff or steward substitute [as the case may be], for §§

‡ State county or district, &c. as the case may be.

* State whether emigration officer, or officer of customs, or government emigration agent, or passenger of the ship as the case may be.

+ Describe briefly and in general terms the requirement [or requirements] of the act which has not been fulfilled.

‡ Name the witness or witnesses.

Form of Conviction and Order of Adjudication where the Defendant does not appear.

A. B. Complainant. } Be it remembered, that *C. D.* of being duly summoned to answer the complaint of *A. B.** for a breach of the section [or sections] of the "Passengers Act, 1855," in that, &c.†, or [as the case may be], for a breach of the contract contained in a certain contract ticket, dated and issued by to for a passage to County, or city, or borough, or police district, or stewardry of [as] in the ship, did not appear before me [or us], pursuant to the said summons. Nevertheless, I [or we] did proceed to examine into the complaint so preferred against the said *C. D.*, and the same having been duly proved to my [or our] satisfaction by the testimony on oath of *E. F.*‡, a credible witness [or witnesses], I [or we] do, &c. (proceed as in preceding form of conviction according to the circumstances of the case).

No. 33.—Boat Scale for Passenger Ships clearing under the Passengers Acts (a).

SCALE showing the minimum number and size of boats which the emigration officers in the United Kingdom will be prepared to pass for passenger ships in the exercise of the discretion vested in them by the 27th section of the "Passengers Act, 1855."

Registered Tonnage of Ship.	No. of Boats not less than	Sailing Vessels.		Steam Vessels.	
		Minimum Cubic Contents of Lifeboats.	Minimum Cubic Contents of all the Boats of the Ship.	Minimum Cubic Contents of Lifeboats.	Minimum Cubic Contents of all the Boats of the Ship.
Less than 200 tons	2	Feet. 90.	Feet. 236.4	Feet. 138.	Feet. 368.4
200 tons and less than 400 tons	3	120.	427.2	181.2	657.
400 " " " " 600 "	4	150.	723.	198.	877.2
600 " " " " 800 "	5	168.	1038.	198.	1038.
800 " " " " 1,000 "	5	240.	1227.	198.	1227.
1,000 " " " " 1,250 "	6	540.	1527.	540.	1527.
1,250 " " " " 1,500 "	6	540.	1800.	540.	1800.
1,500 tons and upwards	7	556.8	2160.	556.8	2160.

The cubic contents of the boats in the above table are ascertained by multiplying their outside length, their outside width, and their inside depth together, and then their product by .6.

In vessels of 200 tons and upwards no boat of less than 90 feet of cubical contents is to be counted in the number.

In vessels of 600 tons and upwards, two of the boats should be lifeboats.

No greater number of boats need be taken than are sufficient to carry all the crew and passengers on board.

(a) See Passengers Act, 1855, s. 27, and M. S. Act, 1876, s. 20.

[A scale substantially the same as the above was issued by the Emigration Commissioners for the guidance of their officers. The above scale is sanctioned by the Board of Trade. As to the boats to be carried by sea-going ships and "passenger ships" under the Merchant Shipping Act, 1854, see M. S. Act, 1854, ss. 2, 292, 303; M. S. Act, 1873, s. 15, and the "Table of dimensions and number of boats" there referred to, *post* "Forms," No. 42].

No. 34.—Fire Engines and Number of Fire Buckets to be carried in "Passenger Ships" clearing under the Passengers Acts (a).

Registered Tonnage of Ship.	Power of Engines.	Suction Pipe.		Delivery Pipe in 25 Feet Lengths.		No. of Jets to fit Branch Pipe.	No. of Fire Buckets to be carried.
		Length.	Diameter.	Length.	Diameter.		
Under 500 tons.	1 engine capable of pumping 30 gallons per minute.	25 feet	1½ inch	75 feet	1½ inch	1 straight ½ inch. 1 curved ⅞ inch. 1 rose (copper).	6, with lanyards sufficiently long to draw water from the poops.
500 to 1,000 tons.	1 engine capable of pumping 40 gallons per minute.	28 feet	2¼ inches	125 feet	2 inches	1 straight ½ inch. 1 curved ⅞ inch. 1 rose (copper).	12 ditto ditto.
Over 1,000 tons.	1 engine capable of pumping 50 gallons per minute, or two of the preceding sizes.	30 feet	2¼ inches	125 feet	2½ inches	1 straight ½ inch. 1 curved ⅞ inch. 1 rose (copper).	18 ditto ditto.

REMARKS.—All the working parts of the engines to be of gun metal. The suction pipe must be fitted with a copper rose, weighted to 10lbs., with a ring and a rope attached to act as a guy.

(a) See Passengers Act, 1855, s. 27; and M. S. Act, 1876, s. 20.

[The above scale of Fire Engines and Fire Buckets to be carried in "Passenger Ships" clearing under the Passengers Acts, was issued by the Emigration Commissioners for the guidance of their officers, and has the sanction of the Board of Trade. For provisions compelling seagoing steamships to be fitted with a fire hose connected with the engines of the ship, see M. S. Act, 1854, s. 301.]

No. 35.—Specification of Water Casks, suitable for Passenger Ships of various Sizes (a).

Staves.		Heads.			Hoops.			Dimensions of Hoops for Short Voyages, say to North America.		Remarks.
Length.	Thickness.	Width across.	Thickness of Yellow Pine.	Thickness of Oak or Pitch Pine.	Number.	Width.	Thickness.			
Inch.	Inch.	Inch.	Inch.	Inch.	No.	Inch.	Wire Gauge.	Inch.	Wire Gauge.	
66	1½	40	1½	1½	10	2½	14	2	14	Butts and Liggers.
65	1½	38	1½	1½	10	2½	14	2	14	
63	1½	36	1½	1½	10	2	14	1½	15	
61	1½	34	1½	1	10	2	14	1½	15	
57	1½	32	1½	1	10	2	14	1½	15	
56	1½	31	1½	1	10	1½	15	1½	15	
54	1½	40	1½	1½	10	2	14	1½	15	
52	1½	30	1½	1	10	1½	15	1½	15	
42	1	43	1½	1½	8	2	14	1½	15	Punchcons and Punchcon Butts.
42	1	42	1½	1½	8	2	14	1½	15	
42	1	40	1½	1½	8	2	14	1½	15	
42	1	38	1½	1	8	1½	15	1½	15	
42	1	36	1½	1	8	1½	15	1½	15	
42	1	34	1½	1	8	1½	15	1½	15	
42	1	32	1½	1	8	1½	15	1½	15	
42	1	30	1½	1	8	1½	15	1½	15	
42	1	29	1½	1	8	1½	15	1½	15	

Notes.—The staves should be white oak; the heading yellow pine, pitch pine, or oak. If pine, the sap wood should be taken off, and oak cantles be used. The hoops should be according to the above specification, or of equal substance. The casks should be all gauged, and the contents marked on the bung stave of each.

(a) See Passengers Act, 1855, s. 33, and M. S. Act, 1876, s. 20.

[The above specification was issued by the Emigration Commissioners for the guidance of their officers, and is sanctioned by the Board of Trade.]

No. 36.—Scale of Medicines and Medical Stores for Passenger Ships clearing under the Passengers Acts (a).

BOARD OF TRADE, July, 1875.

The annexed scale of medicines, medical stores, and instruments for ships clearing under the Passengers Acts, other than steam ships engaged in the North Atlantic trade (b), has been issued and caused to be published by the Board of Trade, and is intended to supersede the scales hitherto in force.

T. H. FARRER, Secretary.

THOMAS GRAY, Assistant Secretary.

Scale of Medicines and Medical Stores.

For every 100 passengers, when the length of the passage, computed according to the Passengers Acts, is 100 days and upwards. Half the quantity of the medicines indicated, but the same kind and quantity of medical stores should be taken when the passage is less than 100 days.

N.B.—There is a separate scale for North Atlantic steam passenger ships (a).

Directions for Druggists.		Libs.	Ozs.	Dr.
The medicines to be prepared according to the British Pharmacopœia, to be plainly labelled in English, and the average doses for an adult stated, according to the British Pharmacopœia. All bottles to be stoppered, and all medicines indicated thus (*) to be marked with a red poison label. All fluid quantities to be measured by fluid lbs., ozs., or drs. B.P. A powder containing not less than 20 per cent. of pure Carbolic or Cresylic Acid.	Acid: Acetic	0	6	0
	* „ Carbolic	0	1	0
	* } „ do.	112	0	0
	„ Citric	0	3	0
	„ Gallic	0	1	0
	* „ Hydrocyanic Dil.	0	0	4
	* „ Nitric	0	1	0
	* „ Sulph. Dil.	0	6	0
	Ether	0	1	0
	Alumen	0	1	0
	Ammon. Carb.	0	6	0
	Amylum	1	0	0
	Argent. Nit.	0	0	2
	Calx. Chlorata	7	0	0
	Camphor	0	6	0
	Charta Epispastica	4 square feet in case.		
	* Chloride of Zinc (Burnett's Solution of) ..	16	0	0
	* Chloroform	0	8	0
	Copaiba	0	8	0
	Creasote	0	0	2
Stick	Cupri Sulph.	0	1	0
	Empl. Cantharidis	0	1	0
	Ferri et Quinise Citr.	0	1	0
	„ Sulph.	0	0	4
	Glycerine	0	6	0
	„ Acid. Tannic.	0	4	0
	* Hydrat. Chloral.	0	1	6
	Hydrarg. cum Creta	0	0	4
	„ Subchlorid.	0	0	4
	Lini Farina	6	0	0
	Lin. Camph.	0	8	0
	* „ Opii	0	2	0
	„ Saponis	1	0	0

(a) See Passengers Act, 1855, s. 43, and M. S. Act, 1876, s. 20.

[As to the medicines, medical stores and instruments to be provided for "all ships navigating between the United Kingdom and any place out of the same," see M. S. Act, 1867, ss. 4, 6, and "Forms," No. 39.]

(b) See "Forms," No. 37.

Directions for Druggists.		Lbs.	Ozs.	Dr.
	*Liq. Atropiæ	0	0	1
	" Calcis	1	0	0
	" Morphicæ Acetatis	0	1	0
	" Plumbi Subacetatis	0	2	0
	" Potassæ	0	2	0
	" " Permanganatis	3	0	0
B.P. or Condy's Fluid (Crimson).	Magnes. Sulph.	4	0	0
Omit Extract of Liquorice and substi-	Mist. Sennæ Co.	3	0	0
tute Aromatic Spirit of Ammonia,	Ol. Croton	0	0	1
1 oz. to 1 pint of the mixture.	" Lini	0	8	0
	" Menth. Pip.	0	0	2
	" Morrhuæ	3	0	0
	" Olivæ	1	0	0
	" Ricini	2	0	0
	" Terebinth.	1	0	0
	*Opium	0	0	1
All pills to be made and marked 5	Pil. Aloes cum Myrrha	2	dozen.	
grains.	" Col. & Hyosc.	4	"	
	" Hydrarg.	3	"	
	" Ipecac. & Scillâ	5	"	
	" Quiniæ	6	"	
	" Sapon. Co.	6	"	
	*Plumbi Acetatis	0	1	0
	Potassæ Bicarb. Pulv.	0	4	0
	Potassii Iodid.	0	2	0
	Pulv. Antimonialis	0	0	3
Double the quantity indicated to be	} " Astringens	1	0	0
taken to all tropical ports :				
Pulv. Catechu Co. } equal }				
" Cret. Arom. } parts }				
" Opio.... }				
	Pulv. Cretæ Arom. cum Opio	0	2	0
	" Ipecac.	0	2	0
	" " Co.	0	2	0
	" Jalapæ Co.	0	3	0
	" Potassæ Nitratis	0	4	0
	" Rhei Co.	0	4	0
	" Scammon. Co.	0	0	6
Double the quantity indicated to be	Quiniæ Sulph.	0	1	0
taken to all tropical ports. }	Sodæ Bicarb.	1	0	0
	Sp. Æther. Nitrosi	0	8	0
	" Ammon. Arom.	0	8	0
	" Rectif.	0	4	0
	Sulphur. Sublimatum	3	0	0
	Syr. Ferri Iodid.	0	4	0
A neutral solution containing 4 grains	*Sol. Morph. Acetat.	0	0	4
in a dram, and so marked. To be	Tr. Arnicæ	0	6	0
labelled—For hypodermic injection. }	" Camph. Co.	0	8	0
	" Digitalis	0	0	6
	" Ergotæ	0	6	0
	" Ferri Perchloridi	0	4	0
	" Opii	0	6	0
	" Scillæ	0	2	0
	" Valerian. Ammon.	0	3	0
	Ung. Cetacei	1	0	0
	" Hydrarg.	0	2	0
	" " Ox. Rub.	0	1	0
	" Sulphur	1	0	0
	" Zinci	0	2	0
	Vinum Colchici	0	1	0
	" Ipecac.	0	1	0
	Zinci Sulphat.	0	1	0
	Desiccated Soup	4	0	0

MEDICAL STORES.

Lint.....	10 ozs.
Tow.....	1 lb.
Adhesive plaster	3 yards.
Male syringe	1
" " glass.....	1
Female "	1
" " glass.....	1
Phials (assorted)	2 dozen.
Phial corks.....	6 "
Sponges	3
Bed pan	1
Paper of pins.....	1
Hernia truss, 36-inch reversible	1
Paper of pill boxes	1
Gallipots	6
Leg and arm bandages	6
Calico	3 yards.
Flannel bandages, 7 yds. long, 6 ins. wide.....	2
Flannel	2 yards.
Triangular bandages, base 48 in., sides 33 in. each	2
*Minim measures	2
*1 oz. " 	1
*2 oz. " 	1
*Set of splints.....	1
*Waterproof sheeting	4 yards.
*Oiled silk	1 yard.
*Enema syringe and stomach pump	1
*Box of small scales and weights	1
*Wedgwood mortar and pestle	1
" funnel	1
*Spatulas	2
*Authorized book of directions for medicine chests	1
*British Pharmacopœia	1

* One set only of these articles required, irrespective of number of passengers.

INSTRUMENTS.

In pocket case	{	1 tenaculum.
		1 artery forceps.
		1 operating do.
		1 finger knife.
		1 curve bistoury probe point.
		1 do. do. spear do.
		2 probes.
		1 silver director.
		1 caustic case.
		1 scissors.
		1 spatula.
		12 needles.
		1 skein ligature silk.
		3 lancets.
		1 amputating saw.
		2 " knives.
		1 bone forceps.
		3 tooth do.
		1 skull do.
		1 trephine.
		1 elevator.
		1 Hey's saw.
		1 trephine brush.
		2 scalpels.
		1 hernia knife.
		2 trocars and canulas.
		1 aneurism needle.
		1 hernia director.
		1 tourniquet.
		2 silver catheters (Nos. 4 and 8).
		4 elastic gum do. (Nos. 3, 5 and 7).
		1 clinical thermometer.
		1 hypodermic syringe.
		1 dozen charged tubes for vaccination.
		1 set of midwifery instruments.

N.B.—Only one set of instruments required, without regard to the number of surgeons, passengers, or the length of the voyage.

No. 37.—Scale of Medicines and Medical Stores for North Atlantic Steam Ships clearing under the Passengers Acts (a).

BOARD OF TRADE, *Marine Department,*
July, 1875.

The annexed Scale of Medicines and Medical Stores for North Atlantic Steam Ships clearing under the Passengers Acts has been issued and caused to be published by the Board of Trade.
THOMAS GRAY, *Assistant Secretary.* T. H. FARRER, *Secretary.*

SCALE OF MEDICINES, MEDICAL STORES, and INSTRUMENTS for NORTH ATLANTIC STEAM SHIPS only, where the voyage, computed according to the Passengers Acts, does not exceed 37 days.

N.B.—There is a separate scale for longer voyages (a).

Directions to Druggists.		1 For 100 Passen- gers.	2 For 200 Passen- gers.	3 For 300 Passen- gers.	4 For 400 Passen- gers.	5 For 500 Passen- gers.	6 For 600 and upwards.
The medicines to be prepared according to the British Pharmacopoeia, to be plainly labelled in English and the average doses for an adult stated, according to the British Pharmacopoeia. All bottles to be stoppered, and all medicines indicated thus (*) to be marked with a red poison label. All fluid quantities to be measured by fluid lbs., ozs. or drs.	*Acid, carbolic...	1 cwt.	1½ cwt.	2 cwt.	2½ cwt.	3 cwt.	3½ cwt.
	" nitro hydro-chloric dil.	2 ozs.	4 ozs.	6 ozs.	8 ozs.	10 ozs.	12 ozs.
	* " sulph. dil.	2 "	4 "	6 "	8 "	10 "	12 "
	" tartaric	2 "	4 "	6 "	8 "	10 "	12 "
	Ammon. carb.	1 "	1 "	1½ "	1½ "	2 "	2 "
	*Argent, nit.	2 drs.	3 drs.	4 drs.	4 drs.	4 drs.	4 drs.
	Charta epispastica	2 sq. ft.	3 sq. ft.	4 sq. ft.	5 sq. ft.	6 sq. ft.	7 sq. ft.
	*Chloride of zinc	2 qts.	3 qts.	4 qts.	5 qts.	6 qts.	7 qts.
	*Chloroform	4 ozs.	5 ozs.	6 ozs.	7 ozs.	8 ozs.	9 ozs.
	Copaiva	4 "	6 "	8 "	10 "	12 "	14 "
	*Hydrat. chloral...	2 "	3 "	4 "	5 "	6 "	7 "
	Hydrarg. subchlor.	½ "	½ "	½ "	1 "	1½ "	1½ "
	*Lin. opi	6 "	8 "	10 "	12 "	14 "	16 "
	*Lig. plumbi sub-acet....	1 "	2 "	3 "	4 "	5 "	6 "
+A powder containing not less than 20 per cent. of pure carbolic or creosylic acid.	Magnes. sulph....	2 lbs.	4 lbs.	6 lbs.	8 lbs.	10 lbs.	12 lbs.
	Ol. croton.	1 dr.	1 dr.	1 dr.	1 dr.	1 dr.	1 dr.
	" olivæ...	4 ozs.	6 ozs.	8 ozs.	10 ozs.	12 ozs.	14 ozs.
	" ricini	1 lb.	1½ lb.	2 lbs.	2½ lbs.	3 lbs.	3½ lbs.
	" terebinth.	½ "	1 "	1½ "	2 "	2½ "	3 "
+Stick.	Pil. col. c. hyosc.	4 doz.	6 doz.	8 doz.	10 doz.	12 doz.	14 doz.
+Burnett's solution.	" hydrarg.	½ oz.	1 oz.	1½ oz.	2 ozs.	2½ ozs.	3 ozs.
"	" rhei co.	4 doz.	6 doz.	8 doz.	10 doz.	12 doz.	14 doz.
+5 grs.	Potassii iodid.	2 ozs.	3 ozs.	4 ozs.	5 ozs.	6 ozs.	7 ozs.
"	Pulv. antimonialis	4 drs.	5 drs.	6 drs.	7 drs.	8 drs.	9 drs.
+In mass.	" cret. arom. c. opio	2 ozs.	3 ozs.	4 ozs.	5 ozs.	6 ozs.	7 ozs.
"	" ipecac.	½ "	1 "	1½ "	2 "	2½ "	3 "
"	" ipecac. co.	½ "	1 "	1½ "	2 "	2½ "	3 "
"	" opi	½ "	1 "	1½ "	2 "	2½ "	3 "
"	" potass. bicarb.	4 "	6 ozs.	8 "	10 ozs.	12 ozs.	14 ozs.
"	" " nitratis	2 "	3 "	4 "	5 "	6 "	7 "
++A neutral solution, containing 4 grs. in a dram and so marked. For Hypodermic Injection.	Quinise sulph.	3 drs.	½ "	1 "	1 "	1½ "	1½ "
	Sodæ bicarb.	4 ozs.	6 "	8 "	10 "	12 "	14 "
	*+Sol. morph. acet.	½ "	6 drs.	1 "	1½ "	2 "	2 "
	Sp. æther. nitros.	4 "	6 ozs.	8 "	10 "	12 "	14 "
	" ammon. arom.	3 "	4 "	5 "	6 "	7 "	8 "
	" menth. pip....	1 "	1½ "	2 "	2½ "	3 "	3½ "
	Sulphur sublimatum	4 "	6 "	8 "	10 "	12 "	14 "
	Syrup scillæ	4 "	6 "	8 "	10 "	12 "	14 "
	Tr. arnicæ	2 "	4 "	6 "	8 "	9 "	10 "
	" benzoin. co.	1 "	1½ "	2 "	2½ "	3 "	3½ "
	" camph. co.	4 "	6 "	8 "	10 "	12 "	14 "
	" catechu	4 "	6 "	8 "	10 "	12 "	14 "
	" ergotæ	2 "	4 "	6 "	8 "	9 "	10 "
	" ferri perchloridi	2 "	3 "	4 "	5 "	6 "	7 "
	" opi	6 "	8 "	10 "	12 "	14 "	16 "
	" rhei co.	6 "	8 "	10 "	12 "	14 "	16 "
Ung. cetacei		3 "	4 "	5 "	6 "	7 "	8 "
Vin. colchici		1 "	2 "	3 "	4 "	5 "	6 "
" ipecac.		1 "	2 "	3 "	4 "	5 "	6 "
Zinci sulph.		1 "	2 "	3 "	4 "	5 "	6 "

(a) See Passengers Act, 1855, s. 43, and M. S. Act, 1876, s. 20. See also "Forms," No. 38.

MEDICAL STORES.

Directions to Druggists.	—	1 For 100 Passen- gers.	2 For 200 Passen- gers.	3 For 300 Passen- gers.	4 For 400 Passen- gers.	5 For 500 Passen- gers.	6 For 600 and upwards.
	Lint	6 ozs.	8 ozs.	10 ozs.	12 ozs.	14 ozs.	16 ozs.
	Adhesive plaster ...	2 yds.	3 yds.	4 yds.	5 yds.	6 yds.	7 yds.
	Sponges	2	2	2	2	2	2
	Bed pan	1	1	1	1	1	1
5 yds. long. 3 in. wide.	Leg and arm bandages .	6	6	6	6	6	6
7 " 6 "	Flannel do.	2	2	2	2	2	2
Base 49 in., sides 33 in.	Triangular do.	2	2	2	2	2	2
	Flannel	2 yds.	2 yds.	2 yds.	2 yds.	2 yds.	2 yds.
	Minim. measures ...	2	2	2	2	2	2
	Ounce "	1	1	1	1	1	1
	2 ounce "	1	1	1	1	1	1
	Enema syringe and stomach pump	1	1	1	1	1	1
	Box of small scales and weights	1	1	1	1	1	1
	Wedgwood mortar and pestle	1	1	1	1	1	1
	Wedgwood funnel ...	1	1	1	1	1	1
	Spatulas... ..	2	2	2	2	2	2
	Set of splints	1	1	1	1	1	1
	Authorized Book of Di- rections for Medicine Chests	1	1	1	1	1	1
	British Pharmacopoeia ...	1	1	1	1	1	1

INSTRUMENTS.

In Pocket Case.	1 Scalpel.	1 Amputating saw.
	1 Tensculum.	2 " knives.
	1 Artery forceps.	1 Hernia knife.
	1 Operating do.	1 " director.
	1 Finger knife.	2 Trocars and canulas.
	1 Curve Bistoury probe point.	1 Aneurism needle.
	1 Do. do. spear do.	1 Tourniquet.
	3 Lancets.	1 Bone forceps.
	1 Spatula.	3 Tooth do.
	1 Scissors.	1 Skull do.
	1 Silver director.	1 Trephine.
	2 Probes.	1 Elevator.
	1 Caustic case.	1 Trephine brush.
	12 Needles.	1 Hey's saw.
	1 Skein ligature silk.	2 Silver catheters (Nos. 4 and 8).
		4 Elastic gum do. (Nos. 3, 5, 6, and 7).
		1 Clinical thermometer.
		1 Hypodermic syringe.
		1 Dozen charged tubes for vaccination.
		1 Set of midwifery instruments.

The Forms, Bye-laws, or Regulations relating to Merchant Ships on this and the following pages are sanctioned either by the Home Secretary, the Board of Trade, the Lord Chancellor, the Commissioners of Customs, or the Local Government Board.

No. 38.—Instructions to Receivers of Wreck.

SALVAGE CASES.—Fees and Costs—Inquiries before Magistrates.

A SCALE of FEES and COSTS allowed in pursuance of the 25 & 26 Vict. c. 63, s. 49, by the Right Honorable Sir George Grey, Baronet, one of her Majesty's Principal Secretaries of State, to be awarded in salvage cases by Justices of the Peace or Courts lawfully authorized to hear and determine such cases in a summary manner.

Fees to Assessors and Umpires.

	£	s.	d.
To assessors, for each day's attendance and service in every case in which his assistance shall have been duly required.....	1	1	0
To an umpire, when duly appointed by justices under section 461 of 17 & 18 Vict. c. 104, for his service as such, for each day's employment	1	1	0
Provided the total sum allowed to such assessor and umpire respectively shall in no instance exceed the sum stated in section 462 of 17 & 18 Vict. c. 104.			

Fees to be paid to the Clerks of Justices or Stipendiary Magistrates in England and Wales.

And if the above-mentioned cases be heard by the Judge of a County Court in England, a sheriff or his substitute in Scotland, or the Recorder of a Borough, or chairman of Quarter Sessions in Ireland, to be paid to the registrar or clerk of such Court, or to any other person acting in a like capacity.

Convening justices and assessors and umpire to hear a case of salvage—for each person convened	0	2	0
Notices to parties to the inquiry, of time of hearing a case	0	2	0
Summons (and duplicate) to each witness, if required	0	2	0
To person serving a notice or summons	0	1	0
Taking written examination of witnesses, per folio	0	0	8
Copy of such evidence (if required)	0	0	2
Preparing award	0	0	8
Fair copy of same	0	0	2
Attending justices, and, if necessary, also assessor and umpire, for their several signatures, a total sum of	0	5	0
Writing letters specially directed to be written by the justices or umpire, each letter ..	0	2	0

Fees to Witnesses.

Seamen and others of same class, for each full day's attendance	0	3	6
For any less time of attendance	0	2	0
Master mariners, pilots, engineers, and all other witnesses, for each full day's attendance	0	5	0
For any less time of attendance	0	3	0

NOTE.—Travelling expenses, such as are fair and moderate, and have been actually paid, to be allowed, but the sum not to exceed threepence per mile each way in going to and returning from the place of meeting; and all witnesses attending before justices and Courts, whose usual place of abode is distant more than five miles from the place of meeting, and who may be necessarily detained there more than one day, to be allowed no greater sum for each night they may be so necessarily detained than

0 1 6

Fees to Practitioners.

If any attorney be employed to conduct the inquiry, &c., he shall receive for each day's service

1 1 0

(But no fee shall be paid to him for more than two days' attendance in any case.)

I hereby, pursuant to the act 25 & 26 Vict. c. 63, s. 49, paragraph 7, determine that the foregoing scale of costs shall be awarded in salvage cases by the justices or Court by whom jurisdiction is exercised in salvage cases under the said act.

Whitehall,
14th May, 1863.

(Signed) G. GREY.

No. 39.—Scale of Medicines and Medical Stores for Merchant Ships (a).

BOARD OF TRADE, December, 1874.

The annexed Scale of Medicines and Medical Stores for Merchant Ships has been issued and caused to be published by the Board of Trade, and is intended to supersede the Scale hitherto in force.

SCALE of Medicines and Medical Stores issued and caused to be published by the Board of Trade in pursuance of the Merchant Shipping Act, 1867.

Preparations from British Pharmacopœia, 1867. This column is added for the use of Druggists supplying the Medicines indicated.	Names of Medicines, Medicaments, &c.	Proportion for Ships carrying the undermentioned No. of Men and Boys (for 12 months).		
		10 and under.	11 to 20 inclusive	21 and upwards.
Copaiba	Alum	1 oz.	2 ozs.	3 ozs.
	Balsam of copaiba.....	4 ozs.	8 "	12 "
	Bicarb. of soda	8 "	12 "	16 "
*Mist. Sennæ Co.	Black draught	1 pint	2 pints	3 pints
Lotio Hydrarg. Nigra	Black wash	1 "	2 "	2 "
A mixture containing in each 100 parts not less than 80 parts of Carbolic (or Phenol) and Cresylic Acids, and their Homologues; and not more than 20 parts of water.	†Carbolic acid, liquid.....	½ gal.	1 gal.	2 gals.
	Or crystal	½ lb.	1 lb.	2 lbs.
	Castor oil	1 lb.	2 lbs.	3 lbs.
	†Chloralum, or			
Potassæ Tartras Acida	†Chloride of zinc (Burnett's)	4 pints	8 pints	16 pints
	Cream of tartar	2 ozs.	4 ozs.	8 ozs.
	†Condyl's crimson fluid	½ pint	1 pint	1 pint
Ess. Ment. Pip.....	Epsom salts	3 lbs.	6 lbs.	12 lbs.
Tr. Zingib. Fortior	Essence of peppermint	—	1 oz.	2 ozs.
Liq. Plumbi Subacet. dil.	" ginger	—	1 "	2 "
	Goulard's extract	1 oz.	2 "	4 "
Tr. Opii	Iodide of potassium	—	2 "	4 "
	Laudanum	2 ozs.	4 "	8 "
Argenti Nitras	Linseed meal	—	14 lbs.	28 lbs.
	Lunar caustic	½ oz.	1 oz.	1 oz.
	Nitrate of potash	2 ozs.	4 ozs.	8 ozs.
Ung. Resinæ	Ointment, Basilicon	3 "	6 "	10 "
" Hydrargyri	Do. Mercurial	1 oz.	2 "	4 "
" Simplex	Do. Simple	6 ozs.	12 "	16 "
	Olive oil	—	8 "	12 "
Lin. Opii	Opodeldoc	3 ozs.	6 "	10 "
Tr. Camph. Co.	Paregoric	4 "	6 "	8 "
Pil. Hydrag. 5 gr.	Pills, Blue	1 doz.	2 doz.	3 doz.
" Ipecac. c. Scilla 5 gr.	Do. Cough	2 "	4 "	6 "
" Sapon. Co. 5 gr.	Do. Opium	1 "	2 "	3 "
" Coloc. c. Hyosc. 5 gr.	Do. Purging	3 "	6 "	8 "
" Rhei Co. 5 gr.	Do. do. Mild	3 "	6 "	8 "
Pulv. Rhei Co.	Powder, comp. rhubarb ..	2 ozs.	4 ozs.	8 oz.
" Catechu Co. } equal }	Do. diarrhoea	1 oz.	2 "	3 "
" Cret. Arom. c. Opio } parts }	Do. Dover's	1 "	2 "	3 "
" Ipecac. Co.	Do. Ipecacuan.	1 "	2 "	3 "
	§ Quinine	1 "	2 "	3 "
Sp. Ætheris Nitrosi	Sweet spirits of nitre.....	1 "	2 "	3 "
	Sulphate of zinc	1 "	2 "	3 "
	Sulphur (sublimed)	2 lbs.	3 lbs.	6 lbs.
Tr. Hyocyami	Tincture of henbane	1 oz.	2 ozs.	3 ozs.
" Rhei	" rhubarb	4 ozs.	10 "	12 "
Lin. Terebinthinæ	Turpentine liniment	2 "	4 "	6 "

* Omit extract of liquorice, and substitute aromatic spirit of ammonia, 1 oz. to 1 pint of the mixture.

† As antiseptic and deodorizing agents for common use.

‡ For purifying drinking water when necessary.

§ Treble the quantity above indicated to be taken to all tropical ports.

(a) See M. S. Act, 1867, s. 4. See also Passengers Act, 1855, s. 43, and ante, "Forms," Nos. 36 and 37.

"Forms," No. 39—continued.

PARTICULARS.	Scales of Medical Stores and Necessaries.	Proportion for Ships carrying the undermentioned No. of Men and Boys (for 12 months).		
		10 and under.	11 to 90 inclusive.	91 and upwards.
<p>1 grain, 2 grains, &c. must be stamped in English figures and words on each respective weight, the word <i>scruple</i> must not be used at all (the scruple weight being marked 20 grains, the $\frac{1}{2}$ dram, 1 dram, and 2 dram weights must be also marked in English figures and words.</p> <p>The fluid drop measure must be marked <i>dram</i> and divided into 40 drops, the word <i>minim</i> being omitted altogether.</p> <p>The fluid 2 oz. measure must be marked 2 ounces, 1 ounce, 2 table spoonful, 1 table spoonful, and 1 tea spoonful.</p>	Adhesive plaster on unbleached calico in tin case	1 yard	2 yards	3 yards
	Lint	$\frac{1}{2}$ lb.	$\frac{1}{2}$ lb.	1 lb.
	Scales and weights	1 set	1 set	1 set.
	Graduated drop measure ..	—	1	1
<p>Leg and arm size</p> <p>Triangular bandage, base 48 ins., sides 33 ins. each.</p> <p>Flannel bandage, 7 yds. long, 6 ins. wide.</p>	Graduated 2 oz. measure ..	1	1	1
	6 oz. bottles	$\frac{1}{2}$ doz.	$\frac{1}{2}$ doz.	1 doz.
	Corks for bottles	1 "	1 $\frac{1}{2}$ "	2 "
	Scissors	—	1 pair	1 pair
<p>36 in. Single reversible</p> <p>Printed directions for use</p>	Syringes	2	2	4
	Lancet	1	1	1
	Abscess do.	1	1	1
	Bandages	3	6	6
<p>No. 8 (<i>Gum Elastic</i>)</p>	Triangular do.	2	3	4
	Flannel do.	1	1	2
	Calico	3 yards	4 yards	6 yards
	Flannel	2 "	3 "	6 "
<p>Preserved</p>	Needles, pins, thread, and tape	—	1 paper	1 paper
	Splints, common	1 set	1 set	1 set
	Trusses	1	1	1
	Enema syringe	1	1	1
<p>Desiccated soup</p> <p>Vegetables, dried or compressed</p> <p>Potato (if not in scale of provisions)</p> <p>Wine (Port)</p> <p>Brandy,</p>	Pewter cup	—	1	1
	Teaspoon (pewter)	—	1	1
	Bougies	1 set	1 set	1 set
	Catheter	1	1	1
<p>Arrowroot</p> <p>Pearl barley</p> <p>Rice</p> <p>Corn Flour</p> <p>Sago</p> <p>Sugar</p> <p>Soup and bouilli</p> <p>Boiled mutton</p> <p>Essence of meat</p>	Bed pan	—	1	1
	Arrowroot	2 lbs.	4 lbs.	8 lbs.
	Pearl barley	4 "	8 "	16 "
	Rice	4 "	8 "	16 "
<p>Essence of meat</p> <p>Desiccated soup</p> <p>Vegetables, dried or compressed</p> <p>Potato (if not in scale of provisions)</p> <p>Wine (Port)</p> <p>Brandy,</p>	Corn Flour	4 "	8 "	16 "
	Sago	4 "	8 "	16 "
	Sugar	14 "	28 "	56 "
	Soup and bouilli	6 "	12 "	24 "
<p>Boiled mutton</p> <p>Essence of meat</p> <p>Desiccated soup</p> <p>Vegetables, dried or compressed</p> <p>Potato (if not in scale of provisions)</p> <p>Wine (Port)</p> <p>Brandy,</p>	Boiled mutton	6 "	12 "	24 "
	Essence of meat	6 tins	12 tins	24 tins
	Desiccated soup	($\frac{1}{4}$ pint)		
	Vegetables, dried or compressed	4 lbs.	8 lbs.	16 lbs.
<p>Potato (if not in scale of provisions)</p> <p>Wine (Port)</p> <p>Brandy,</p>	Potato (if not in scale of provisions)	4 "	8 "	16 "
	Wine (Port)	14 "	28 "	56 "
	Brandy,	3 bottles	6 bottles	12 bottles
	Brandy,	2 "	4 "	6 "

No. 40.—Application for Medical Inspection of Seamen (a).

Form L.J. 10.

ISSUED BY THE BOARD OF TRADE,
February, 1868.

No. —

Form L.J. 10.

Merchant Shipping Act, 1867.
Medical Inspection of Seamen.

Port of —.

Medical Inspection of Seamen.

Merchant Shipping Act, 1867.

Port of —.

[N.B.—This duplicate is to be attached to
the Schedule 9 as a voucher.]

Received from

Owner or Master of the Ship

£ —

Credited. Schedule 9.

Dated day of 18 .

— Superintendent.

APPLICATION FOR INSPECTION OF SEAMEN.

[N.B.—A sum of 2s. is to be paid by the Master or Owner for each Seaman at the time this application is made, and is to be brought to account in Schedule 9 of the Account Current before having the man inspected.]

Sir,—I hereby request that you will, as required by the provisions of the Merchant Shipping Act, * Hereinset 1867, examine the* Seamen whose names are endorsed hereon.
Owner or Master of the Ship —.

The above having been signed in my presence, and the fees required in the case, amounting to pounds shillings, received by me, the Medical Inspector is authorized to proceed with the examination as requested.

£ Dated this day of 18 .

To the Inspector of Seamen
at the Port named above.

— Superintendent.
Mercantile Marine Office at —.

On the back of this Form is the following Indorsement:—

Number.	Name of Seaman to be inspected.	Number.	Name of Seaman to be inspected.
1	11	.....
2	12	.....
3	13	.....
4	14	.....
5	15	.....
6	16	.....
7	17	.....
8	18	.....
9	19	.....
10	20	.....

(a) See M. S. Act, 1867, s. 10, and "Forms" No. 41.

No. 41.—Report on Medical Inspection of Seamen (a).

Form L.J. 11.

Form L.J. 11.

No. _____

ISSUED BY THE BOARD OF TRADE,
February, 1868.

Medical Inspection of Seamen.

Merchant Shipping Act, 1867.

Port of _____

Dated _____ day of _____,

18 .

Seaman inspected _____ this

day of _____ 18 .

Surname _____

Christian name _____

Ship _____

Report _____

Part of _____.

No. _____

Medical Inspection of Seamen.

Merchant Shipping Act, 1867.

REPORT BY INSPECTOR.

[N.B.—A separate report is to be signed for each seaman inspected, and a copy given to the owner or master. See duplicate form.]

Name of Seaman.	Ship for which inspected.
Christian name.	
Surname.	

* Hereinset I hereby certify that on the *
date of inspection I examined the above-named seaman, and
that I find as follows:—

+ Obliterate (a) + That he is fit for duty at sea.

(a) or (b) as the (b) + That he is not fit for duty at sea, for
case may be. the following reasons: _____

Given under my hand this _____ day of _____ 18 .

_____ Medical Inspector
of Seamen.

To the Superintendent,
Mercantile Marine Office, _____.

(a) See M. S. Act, 1867, s. 10; and "Forms," No. 40.

[N.B.—This copy to be given to the owner or master.]

Form L.J. 11.

Port of _____.

No. _____

Medical Inspection of Seamen.

Merchant Shipping Act, 1867.

REPORT BY INSPECTOR.

Name of Seaman.	Ship for which inspected.
Christian name.	
Surname.	

* Hereinset I hereby certify that on the *
date of inspection I examined the above-named seaman, and
that I find as follows:—

+ Obliterate (a) + That he is fit for duty at sea.

(a) or (b) as the (b) + That he is not fit for duty at sea, for
case may be. the following reasons: _____

Given under my hand this _____ day of _____ 18 .

_____ Medical Inspector
of Seamen.

To the Superintendent,
Mercantile Marine Office, _____.

No. 42.—Table of the Dimensions of Boats required to be carried by Passenger Steamers under the Merchant Shipping Act, 1854, issued by the Board of Trade for the guidance of their Surveyors (a).

The measurement is taken outside for length and breadth and inside for depth, measuring from top of gunwale.

Number of Tons Register.	EITHER					OR						
	Number of Boats.	Dimensions.			Factor.	Cubic Contents.	Number of Boats.	Dimensions.			Factor.	Cubic Contents.
		Length.	Breadth.	Depth.				Length.	Breadth.	Depth.		
1,000 and upwards.	1	Ft. In.	Ft. In.	Ft. In.		Ft.	1	Ft. In.	Ft. In.	Ft. In.		Ft.
	2	18 0	5 6	2 3	•6	133·7	2	18 0	5 6	2 3	•6	133·7
	1	24 0	5 6	2 6	•6	396·0	2	24 0	5 6	2 6	•6	396·0
		27 0	8 6	3 8	•6	504·9	2	22 0	5 6	2 6	•6	363·0
	2 Life	28 0	8 6	3 6	•6	1034·6 999·6	2 Life	28 0	8 6	3 6	•6	892·7 999·6
	6	Boats of				2034·2	7	Boats of				1892·3
800 to 1,000	1	18 0	5 6	2 3	•6	133·7	1	18 0	5 6	2 3	•6	133·7
	2	26 0	6 6	2 8	•6	540·8	2	26 0	6 6	2 8	•6	540·8
	1 Life	26 0	8 0	3 8	•6	457·6	2	22 0	5 6	2 6	•6	363·0
	4	Boats of				1132·1	5	Boats of				1037·5
500 to 800	1	18 0	5 6	2 3	•6	133·7	1	18 0	5 6	2 3	•6	133·7
	2	24 0	5 6	2 6	•6	396·0	2	24 0	5 6	2 6	•6	396·0
	1 Life	26 0	8 0	3 8	•6	457·6	2	22 0	5 6	2 6	•6	363·0
	4	Boats of				987·3	5	Boats of				892·7
360 to 500	1	16 0	5 6	2 3	•6	118·8	1	16 0	5 6	2 3	•6	118·8
	2	24 0	5 6	2 6	•6	396·0	2	24 0	5 6	2 6	•6	396·0
	1 Life	25 0	7 0	3 6	•6	367·5	2	22 0	5 6	2 6	•6	363·0
	4	Boats of				882·3	5	Boats of				877·8
240 to 360	1	16 0	5 6	2 3	•6	118·8	1	16 0	5 6	2 3	•6	118·8
	1	22 0	5 6	2 5	•6	175·4	1	22 0	5 6	2 5	•6	175·4
	1 Life	22 0	6 6	3 3	•6	278·9	2	22 0	5 6	2 6	•6	363·0
	3	Boats of				573·1	4	Boats of				657·2
120 to 240	1	14 0	5 0	2 2	•6	91·0	1	14 0	5 0	2 2	•6	91·0
	1 Life	20 0	6 0	3 0	•6	216·0	2	22 0	5 6	2 6	•6	363·0
	2	Boats of				307·0	3	Boats of				454·0
60 to 120	1	14 0	5 0	2 2	•6	91·0	1	14 0	5 0	2 2	•6	91·0
	1 Life	16 0	5 6	2 9	•6	145·2	2	18 0	5 6	2 4	•6	277·2
	2	Boats of				236·2	3	Boats of				368·2
Under 60	1 Life	14 0	5 0	2 2	•6	91·0	If the number of boats in this column are carried, the cubic contents (equal in their aggregate to the cubic contents required) may be					

If the number of boats in this column are carried, one of them must be a launch or, at least, the capacity named.

Surveyors are not to insist upon the precise lengths, breadths and depths inserted in the table, but are to approve of any efficient boats of sufficient strength, the cubic contents of which are respectively equal to or greater than the cubic contents of the boats specified in the table.

••• The cubic contents of the boats in the above table are ascertained by multiplying their outside length, their outside width, and their inside depth together, and then their product by '6.

(a) See M. S. Act, 1873, s. 15; and M. S. Act, 1854, ss. 292, 303. See also Passengers Act, 1855, s. 27; M. S. Act, 1876, s. 20; and "Forms," No. 33.

No. 43.—Official Log Book, containing the Forms issued by the Board of Trade under the provisions of the Births and Deaths Registration Act, 1874 (a).

No. 1.
(Consisting of 16 Pages.)

SANCTIONED BY THE BOARD OF TRADE.
AUGUST, 1871.

IN PURSUANCE OF 17 & 18 VICT. c. 104. (O) FOR EITHER FOREIGN-GOING OR HOME TRADE SHIP.

Name of Ship.	Official Number.	Port of Registry.	Registered Tonnage.		Name of Master.	No. of his Certificate (if any).
			Gross.	Net.		

Port at which and Date when Voyage commenced.	Nature of the Voyage or Employment.	Port at which and Date when Voyage terminated.
Port _____ Date _____		Port _____ Date _____

Delivered to the superintendent of mercantile marine at the port of _____ on _____ day of _____ 18 ____.

Countersigned _____ Superintendent. _____ Master. _____ Address.

NOTE.—The above entries are to be filled up by the master, and the log book is to be delivered to the superintendent within forty-eight hours after the ship's arrival, or upon the discharge of the crew, whichever first happens, in the case of a "foreign-going ship," and within twenty-one days after the 30th of June and the 31st of December respectively in every year in the case of a "home trade ship." See M. S. Act, 1864, s. 286.

(c) Required by M. S. Act, 1864, s. 280, to be kept on board all British ships not being vessels employed in trading between ports on the coasts of the United Kingdom. [Several of the more important official notices issued by the Board of Trade are now printed at the beginning of every copy of the Official Log Books.]

[Directions follow on pages 2 and 3 as to the entries to be made in the Official Log; the greater portion of such directions being a reprint of the following provisions of the M. S. Acts, 1864 and 1867:—M. S. Act, 1864, ss. 13, 106, 221, 243, 244, 256, 258, 264, 280—287, 328; M. S. Act, 1867, s. 4.]

Reference to any page in which the various Entries appear.

1. Conviction of any member of crew and punishment
2. Offences committed by member of crew for which it is intended to prosecute or to enforce a forfeiture or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge as herein-before required
3. Offences for which punishment has been inflicted on board, and the punishment inflicted
4. Illness or injury that has happened to any member of the crew, the nature thereof, and the medical treatment adopted (if any)
5. Death that has happened on board, and cause thereof
6. Birth that has happened on board, the sex of the infant, and the names of the parents
7. Marriage that has taken place on board, the names and ages of the parties
8. Name of seaman or apprentice who has ceased to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof
9. Amount of wages due to any seaman who has entered her Majesty's service during the voyage
10. Wages due to any seaman or apprentice who has died during the voyage, and the gross amount of all deductions to be made therefrom
11. Sale of the effects of any seaman or apprentice who has died during the voyage, including a statement of each article sold and of the sum received for it
12. Collision with any other ship, and the circumstances under which the same occurred
13. Order of Naval Court
14. Survey of provisions and water
15. Refusal or neglect of any seaman or apprentice to take lime or lemon juice. (See M. S. Act, 1867.)

10

[illegible]

[This Table is continued on pages 6 and 7.]

• V, G, for "Very Good," G, "Good," or "Declines to report,"

The Merchant Shipping Act, 1876 (a), enacts that --

26. With respect to the marking of a load-lue on British ships, the following provisions shall have effect:

(1.) The owner of every British ship (except ships under 80 tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line (apex to the centre) drawn through its centre: The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage.

(3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs, a statement in writing of the distances in feet and inches between the centre of this dial and the upper edge of each of the lines indicating the position of the ship's deck which is above that centre :

(4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards:

(6.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made:

(6.) The master of the ship shall also enter a copy of this statement in the official log book.

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

With respect to the marking of a load-line on British ships employed in the coasting trade, the following provisions shall have effect:—[Here follows a recital of the M. S. Act, 1876, s. 27.]

[illegible]

(a) Sect. 28.

"Forms," No. 43—continued.

Page 8—continued.

SHIP'S DRAUGHT OF WATER.

Section 5, Merchant Shipping Act, 1871, provides "the master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour (either at home or abroad) for the purpose of proceeding to sea, record her draught of water in the official log book, as shown by the scales of feet on her stem and her stern-post, and shall produce such records to any principal officer of customs whenever required by him so to do, or in default of such production shall incur a penalty not exceeding twenty pounds" (a).

[illegible]

NOTE.—When superintendents ascertain that the provisions of the Act of 1871 as regards the entering of the draught of water have not been complied with, a Form Stm. 40 should be forwarded to the Board of Trade.

PARTICULARS OF ALL MARRIAGES, BIRTHS, AND DEATHS THAT HAVE OCCURRED ON BOARD DURING THE VOYAGE. 9

NOTE.—Section 282 of the Merchant Shipping Act, 1854, requires the master of the ship to enter in his official log the particulars of every marriage that has taken place on board; and sections 273 and 274 require that a list of such marriages should be made out and delivered to a Superintendent of a Mercantile Marine Office in the United Kingdom.

MARRIAGES.

Date when Married. 1	Christian and Surnames of both Parties. 2	Agree. 3	State whether Single, Widow, or Widower. 4	Profession or Occupation. 5	Father's Christian and Surname. 6	Profession or Occupation of Father. 7

(a) [See also M. S. Act, 1873, s. 4.]

NOTE.—In pursuance of the power invested in the Board of Trade under the provisions of section 37 of the Births and Deaths Registration Act, 1874 (a), the Board of Trade directs that the return of all births and deaths which occur on board any British merchant vessel shall be recorded in the official log book in the form provided therein. Upon the arrival of the ship at any port or place out of the United Kingdom, a copy of the record must be delivered to the principal consular officer, the shipping master, or collector of customs, for the transmission of a return of the entry to the Registrar General of Shipping and Seamen. On arrival at the port of destination in the United Kingdom, the official log book must be deposited with the Superintendent of Mercantile Marine, to be forwarded in due course to the Registrar General of Shipping and Seamen.

BIRTHS.

Date of Birth.	Christian Name (if any) of Child.	Sex.	Columns to be filled in by Officer in Command.				Columns to be filled in by Official to whom report is made.	
			Christian Name and Surname of Father.	Rank and Profession or Occupation of Father.	Name and Surname of Mother.	Maiden Surname of Mother.	Nationality and last Place of Abode.	Signature and Title of Officer to whom reported.
							Father. Mother.	Port and Country at which Birth was reported.

NOTE.—In pursuance of the power invested in the Board of Trade under the provisions of sect. 37 of the Births and Deaths Registration Act, 1874 (a), the Board of Trade directs that the return of all births and deaths which occur on board any British merchant vessel shall be recorded in the official log book in the form provided therein. Upon the arrival of the ship at any port or place out of the United Kingdom, a copy of the record must be delivered to the principal consular officer, the shipping master, or collector of customs, for the transmission of a return of the entry to the Registrar General of Shipping and Seamen. On arrival at the port of destination in the United Kingdom, the official log book must be deposited with the Superintendent of Mercantile Marine, to be forwarded in due course to the Registrar General of Shipping and Seamen.

DEATHS OTHER THAN THOSE OF THE CREW.

Date of Death.	Columns to be filled in by Officer in command.				Columns to be filled in by Official to whom report is made.		
	Christian Name and Surname of deceased.	Sex.	Age.	Rank, Profession, or Occupation.	Nationality and last Place of Abode.	Cause of Death.	Signature and Title of Officer to whom reported.
							Port and Country at which Death was reported.

(a) See 37 & 38 Vict. c. 88, s. 37.

NOTE.—In pursuance of the power invested in the Board of Trade under the provisions of sect. 37 of the Births and Deaths Registration Act, 1874, the Board of Trade directs that the return of all births and deaths which occur on board any British merchant vessel shall be recorded in the official log book in the form provided therein. Upon the arrival of the ship at any port or place out of the United Kingdom, a copy of the record must be delivered to the principal consular officer, the shipping master, or collector of customs, for the transmission of a return of the entry to the Registrar General of Shipping and Seamen. On arrival at the port of destination in the United Kingdom, the official log book must be deposited with the Superintendent of Mercantile Marine, to be forwarded in due course to the Registrar General of Shipping and Seamen.

DEATHS OF MEMBERS OF THE CREW.

Columns to be filled in by Officer in command.					Columns to be filled in by Officer to whom report is made.			
Date of Death.	Christian Name and Surname of deceased.	Sex.	Age.	Rank, Profession, or Occupation.	Nationality and last Place of Abode.	Cause of Death.	Port and Country at which Death was reported.	Signature and Title of Officer to whom reported.
11 OFFICIAL LOG OF THE					12 TOWARDS			
Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Parliament.	Amount of any Fine or Forfeiture indicated.		Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Parliament.	Amount of any Fine or Forfeiture indicated.
			£	s. d.				£ s. d.

[This Table is continued on pages 13, 14, 15 and 16.]

An entry should be made as soon after the occurrence as possible (see par. 3 of *Directions* (e)), and no blank spaces should be left between the various entries, which should be made in the order of the occurrence.

N.B.—Every entry in this log book required by the Act must be signed by the master and by the mate or some other of the crew; and every entry of illness, injury or death must also be signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who has died must be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters her Majesty's service must be signed by the master and by the seaman or by the officer authorized to receive the seaman into such service.

(e) See M. S. Act, 1854, s. 281.

No. 44.—Scales of Proofs showing the Tensile Strains to which Anchors and Chain Cables are subjected before being received for the Use of Her Majesty's Navy; and Notice of January, 1875, issued by the Board of Trade under the provisions of the Chain Cables and Anchors Act, 1874, s. 6 (a).

I.

Scale of Proofs showing the Tensile Strain to which Anchors are subjected before being received for the use of Her Majesty's Naval service.

Test of Anchors in Tons, proportioned to their weight in Cwts.

ANCHORS.

Weight.	Test.	Weight.	Test.	Weight.	Test.	Weight.	Test.
Cwt.	Tons.	Cwt.	Tons.	Cwt.	Tons.	Cwt.	Tons.
100	67½	75	56½	50	42½	25	24½
99	66½	74	56½	49	41½	24	23½
98	66½	73	56½	48	41½	23	23½
97	66½	72	54½	47	40½	22	22½
96	65½	71	54½	46	39½	21	21½
95	65½	70	53½	45	39½	20	20½
94	65	69	53½	44	38½	19	19½
93	64½	68	52½	43	37½	18	19
92	64	67	52½	42	37½	17	18½
91	63½	66	51½	41	36½	16	17½
90	63½	65	51	40	35½	15	16½
89	62½	64	50½	39	35½	14	15½
88	62½	63	50	38	34½	13	14½
87	61½	62	49½	37	33½	12	13½
86	61½	61	48½	36	33½	11	12½
85	61	60	48½	35	32½	10	12
84	60½	59	47½	34	31½	9	11½
83	60	58	47½	33	30½	8	10½
82	59½	57	46½	32	30½	7	9½
81	59	56	46	31	29½	6	8½
80	58½	55	45½	30	28½	5	7½
79	58½	54	44½	29	27½	4	6½
78	57½	53	44½	28	27½	3	5½
77	57½	52	43½	27	26½	2	4½
76	56½	51	43	26	25½	1	3½

Note.—The strain is applied on the arm or on the palm at a spot, which, measured from the extremity of the bill, is one third of the distance between it and the centre of the crown.

(a) See 37 & 38 Vict. c. 51, s. 6.

"Forms" No. 44—continued.

II.

Scale of Proofs showing the Tensile Strain to which Chain Cables are subjected before being received for the use of Her Majesty's Naval Service.

CHAIN CABLES.

Diameter of Iron of Common Links.	Common Links.		Stay Pins, weight of each not to exceed	Weight of 100 fathoms of Cable in 8 lengths, including 4 swivels, and 8 joining shackles, not to be exceeded by more than $\frac{1}{16}$ th part.*	Weight by which to be proved equal to 630 lbs. per circular $\frac{1}{4}$ th inch.	Strain to be withstood by 8 links in each 15 fathoms before the 15 fathoms are proved.
	Mean Length of 8 diameters of the Iron; not to be over more than $\frac{1}{16}$ th of a diameter.	Mean Width of 8 diameters of the Iron; not to be over or under more than $\frac{1}{16}$ th of a diameter.				
In.	In.	In.	Ozs.	Cwts. qrs. lbs.	Tons.	Tons.
2 $\frac{1}{2}$	16 $\frac{1}{2}$	9.9	72	363 0 0	136 $\frac{1}{2}$	190.5
2 $\frac{1}{2}$	15	9.0	54.69	300 0 0	112 $\frac{1}{2}$	157.5
2 $\frac{3}{8}$	14 $\frac{1}{2}$	8.55	47.5	270 3 0	101 $\frac{1}{2}$	142
2 $\frac{1}{4}$	13 $\frac{1}{2}$	8.1	40	243 0 0	91 $\frac{1}{2}$	127.5
2 $\frac{1}{8}$	12 $\frac{1}{2}$	7.65	33.584	216 3 0	81 $\frac{1}{2}$	113.75
2	12	7.2	28	192 0 0	72	100.8
1 $\frac{7}{8}$	11 $\frac{1}{2}$	6.75	23	168 3 0	63 $\frac{1}{2}$	88.5
1 $\frac{1}{2}$	10 $\frac{1}{2}$	6.3	18.76	147 0 0	55 $\frac{1}{2}$	77
1 $\frac{3}{8}$	9 $\frac{1}{2}$	5.85	15	126 3 0	47 $\frac{1}{2}$	66.5
1 $\frac{1}{4}$	9	5.4	11.81	108 0 0	40 $\frac{1}{2}$	60.75
1 $\frac{1}{8}$	8 $\frac{1}{2}$	4.95	9	90 3 0	34	51
1 $\frac{1}{4}$	7 $\frac{1}{2}$	4.5	6.836	75 0 0	28 $\frac{1}{2}$	42
1 $\frac{1}{8}$	6 $\frac{1}{2}$	4.05	4.983	60 3 0	22 $\frac{1}{2}$	34.12
1	6	3.6	3.5	48 0 0	18	27
$\frac{7}{8}$	5 $\frac{1}{2}$	3.15	2.344	36 3 0	13 $\frac{1}{2}$	20.6
$\frac{3}{4}$	4 $\frac{1}{2}$	2.7	1.473	27 0 0	10 $\frac{1}{2}$	15
$\frac{11}{16}$	4 $\frac{1}{8}$	2.475	1.137	22 2 21	8 $\frac{1}{2}$	12.75
$\frac{5}{8}$	3 $\frac{1}{2}$	2.25	.854	18 3 0	7	10.5
$\frac{9}{16}$	3 $\frac{1}{8}$	2.025	.622	15 0 21	5 $\frac{1}{2}$	8.25
$\frac{1}{2}$	3	1.8	.437	12 0 0	4 $\frac{1}{2}$	6.75
$\frac{7}{16}$	2 $\frac{3}{8}$	1.575	.293	9 0 21	3 $\frac{1}{2}$	5.25

* The tensile strain is applied to each of the 8 lengths separately, and not to the whole length of 100 fathoms at one time; and each length is to be provided with a shackle and shackle bolt to be tested as part of the chain.

III.

Notice issued by the Board of Trade under the Chain Cables and Anchors Act, 1874.

The Board of Trade hereby approve of the tests named in the Schedule to an Order in Council of the 12th of May, 1874 (a), as tests equal or superior to the tests required by the Act of the thirty-fourth and thirty-fifth years of her present Majesty, chapter one hundred and one.

This approval is given under section six of the Chain Cables and Anchors Act, 1874, and the tests in the said [schedule] thereof are therefore the tests to be applied under the Chain Cables and Anchors Acts, 1864 to 1874.

Given under my hand at the Board of Trade, this first day of January, 1875.

THOMAS GRAY, one of the Assistant Secretaries to the said Board.

(a) This order is printed at length, *post*, "Orders in Council," p. 12.

No. 45.—Forms issued by the Board of Trade in relation to the Measurement of Deck Cargo Spaces and the Marking of a Load Line, under the provisions of the M. S. Act, 1876.

I.

Surveys 104.

MEMORANDUM.

CERTIFICATE OF DECK CARGO TONNAGE.—*Foreign-going Ship Inwards (a).*

Merchant Shipping Act, 1876.

NOTE.—This memorandum, made by an officer of customs on boarding the ship on her arrival, or as soon thereafter as possible, is to be produced by the master of the ship when dues are demanded, and when paying off his crew at the Mercantile Marine Office.

Name of Ship and Official Number, and Port of Registry.	Sail or Steam.	Owners.	Where from.

Register tonnage on certificate of registry .. tons.

Register tonnage of deck cargo space tons.

I hereby certify, that on the day of 187 , I inspected this ship as to the space occupied by deck cargo on this voyage, and find the register tonnage of such space in accordance with the provisions of the Merchant Shipping Act, 1876, to be as above, namely, tons, and I have entered a note of the fact in the official log.

Dated at this day of 18 .

____ Officer of customs appointed to measure such space.

NOTE 1.—This document, when complete, is to be delivered to the master, who is to produce it, with the certificate of registry of the ship, when any dues chargeable on the tonnage of the ship are demanded. The penalty on failure of its production is set forth in Section 23 of the Act.

2.—It is also to be produced to the superintendent of the Mercantile Marine Office when the crew are paid off (b).

II.

Surveys 104 a.

DECLARATION AND CERTIFICATE.

Port of ____.

TONNAGE OF SPACE OCCUPIED BY DECK CARGO.—*Foreign-going Outwards (a).*

Merchant Shipping Act, 1876.

NOTE.—This declaration is to be filled in by the owner, agent, or master of the ship carrying deck cargo, when payment of light dues is tendered to a collector of customs on an outward voyage.

Name of Ship, Official Number, and Port of Registry.	Sail or Steam.	Net Register Tonnage, as stated in the Certificate of Registry.	Where bound to.
(1.)	(2.)	(3.)	(4.)

To the collector of customs at the above port.

I hereby declare that the ship named in Column 1 above, and bound to the place or places named in Column 4 above will have deck cargo on board, and that the space occupied by the said deck cargo will not exceed cubic feet in contents, which at 100 cubic feet to the register ton gives register tons as the space about to be occupied by deck cargo. On the faith of my intention, as stated in this solemn declaration, I ask you to receive payment of light dues on the amount of tons named, viz. register tons of deck cargo space.

Dated at this 18 .

Signed in the presence of
_____ collector.

State whether owner, agent, or master.

CERTIFICATE.

This is to certify that the person above-named has paid light dues on the amount of deck cargo space above stated.

Dated at the Custom House at this day of 18 .
_____ collector.

TAKE NOTICE.

NOTE (1).—The above declaration and certificate are accepted by the Board of Trade for the outward voyage above stated in lieu of a certificate of measurement issued under the 23rd section of the Merchant Shipping Act, 1876.

(2).—This document when completed is to be delivered to the master, owner, or agent, with the receipt for light dues. He is to produce it with the certificate of registry

(a) See M. S. Act, 1876, s. 23.

(b) A fee of 10s. was at first charged for the measurement of deck spaces in the case of an inward-bound ship, but such fee is no longer taken.

"Forms," No. 45—continued.

of the ship when any other fees or dues are demanded. The penalty on failure of production is set forth in sect. 23 of the act.

- (3).—It is to be understood that this certificate of payment of dues, which is issued with the sole object of facilitating the shipowners' compliance with the provisions of sect. 23 of the Merchant Shipping Act, 1876, is in no way to be regarded as a certificate that the ship is fit to carry any deck cargo whatever.
- (4).—The question of unseaworthiness from over or improper loading may or may not arise in this case, but if it does arise, the Board of Trade and their surveyors will deal with the case upon its merits, and entirely unprejudiced by the existence of this certificate of payment of dues.

Notice 1.—This Form is to be shown to the customs officer in the United Kingdom who is last on board the ship on the commencement of the voyage referred to, so that he may compare the statement it contains with the actual amount of deck cargo on board. It will be the duty of that officer to report any discrepancy.

- 2.—This Form will also have to be produced to her Majesty's consular officer at the port of arrival abroad.

III.**Surveys 104 b. DECK CARGO SPACES.—FOREIGN-GOING SHIP (a).**

Name, Port of Registry, and Official No. of Ship. (1.)	Tonnage.		Voyage. (4.)
	Gross. (2.)	Register. (3.)	

This is to certify,

1. That no timber, stores, or other goods have been carried during the voyage just ended in any uncovered space upon deck, or in any covered space not included in the contents forming the ship's registered tonnage as shown in column 3 above.

2. That no timber, stores, or other goods will be carried from the United Kingdom during the voyage about to be commenced in any uncovered space upon deck, or in any covered space not included in the ship's registered tonnage as shown in column 3 above.

NOTE.—Obliterate paragraph 1 or 2, as the case may be.

Dated at this 187 .

Witness

____ Superintendent.

State whether owner, agent or master.

NOTE.—One of these forms is to be filled up and handed to the superintendent on the engagement and discharge of a crew when the Form Surveys 104, or the Form Surveys 104a, is not produced.

IV.**Surveys 106. LOAD LINE OF COASTING VESSELS (b).**

Statement in writing to be sent or delivered to the collector or other principal officer of Customs of the ship's port of registry, of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

Name, Port of Registry, and Official Number of Ship.	Registered Tonnage.		Distance in Feet and Inches between the Centre of the Disc and the Upper Edge of the	
	Gross.	Net.	First Deck Line above it.	Second Deck Line above it.
Name _____			Feet _____	Feet _____
Port _____			Inches _____	Inches _____
Official No. _____				

To the Collector or Principal Officer of Customs at _____.

I send or deliver to you the above statement in pursuance of sub-section 3 of section 27 of the Merchant Shipping Act, 1876.

Dated this

____ Owner of the above ship.

NOTE 1.—This statement is to be delivered or sent in once in twelve months.

2.—For omission the owner is liable to a penalty not exceeding 100*l*.

3.—It need not be sent in for ships under 80 tons employed solely in the coasting trade.

(a) See M. S. Act, 1876, s. 23

(b) See M. S. Act, 1876, s. 27.

No. 46.—Certificate of Inspection of Lights and Fog Signals (a).

SURVEYS 69.

CERTIFICATE OF INSPECTION.

ISSUED BY THE
BOARD OF TRADE, 1875,
IN PURSUANCE OF THE
MERCHANT SHIPPING
ACTS, 1854 to 1873.

Note.—Any person who fraudulently alters or assists in fraudulently altering this Form, with the view of evading any of the provisions of the Merchant Shipping Act, 1862, or any condition in this Form, is liable on conviction to be punished by fine or imprisonment.

A.—PARTICULARS OF SHIP.

Name of Ship.	Port of Registry.	Official Number.	Register Tonnage.

B.—PARTICULARS OF LANTERNS FOR COLOURED SIDE LIGHTS.

Size of Lanterns.						Size of Lens.				Description of Lens.	Whether Oil, Para- fin, or Candle.	If Para- fin, or Oil, Size of Wicks.	
Red.			Green.			Red.		Green.				Red.	Green.
Breadth.			Breadth.			Length.		Length.					
Height.	Back.	Side.	Height.	Back.	Side.	Length.	Breadth.	Length.	Breadth.				
Makers' Names and Marks.						Length of Inboard Screens.		In what part of the Ship placed.		How are Screens fitted or secured, whether on Davits, Stanchions, or otherwise.			

C.—PARTICULARS OF MAST-HEAD AND ANCHOR LIGHTS.

Size of Mast-head Lantern.		Description of Lens.	If Para-fin or Oil, Size of Wick.	Makers' Names and Marks.	Size of Anchor Lantern.		Description of Globe.	If Para-fin, or Oil, Size of Wick.	Makers' Names and Marks.
Height.	Breadth.				Height.	Diameter.			

D.—PARTICULARS OF FOG SIGNALS.

Diameter of bell, and where fixed.	Description of Fog Horn.

I hereby certify that the above particulars are correct and true to the best of my knowledge and belief.

Dated at this day of 18 . Inspector.

N.B.—This certificate does not guarantee that efficient lights and signals will be carried or properly exhibited or displayed; or that lights will be displayed at all. It merely certifies that proper lanterns and signals, in accordance with the regulations, are on board, and are fitted at the time the certificate is given.

If other lanterns than the actual lanterns described above are carried, or if the lanterns carried are placed in any position or fitted in any manner other than the position and manner named above, this certificate becomes of no effect.

No. 47.—Quarantine Certificate (a).

Certificate of the quarantine officer appointed to examine the masters of all ships and vessels arrived from foreign parts, in order to ascertain whether they are, or are not, liable to the performance of quarantine.

These are to certify, that in pursuance of an Act of Parliament of the 6th year of his late Majesty George IV., and an order of his Majesty in Council, dated the 19th July, 1825 (b), I have examined _____, master of a vessel called the _____, lately arrived from _____, and that it appears by the answers of the said master to the questions I have put to him* _____, that there are not any articles liable to quarantine on board the said vessel. And that it also appears that during the voyage no person has died or been ill of any contagious or infectious disease rendering the vessel liable to quarantine, and that the said vessel is not liable to quarantine.

Given under my hand, at the _____ this _____ day of _____ 187 .

_____ Examining officer of quarantine.

* Here insert upon oath if that shall be the fact.

- (a) This form is issued by the Commissioners of Customs.
(b) See *post*, "Orders in Council."

No. 48.—Bill of Health (English) (a).

To all to whom these presents shall come,

We, the undersigned officers of her Majesty Queen Victoria, in the port of _____ in the city or town of _____ send greeting.

Whereas the vessel called the _____, whose master is _____, is about to sail from the said port of _____ on this _____ day of _____ in the year of our Lord _____ and from thence for _____, and other places beyond the seas, with _____ persons on board, including the said master.

Now, know ye that we, the said officers, do hereby make it known to all men, and pledge our faith thereunto, that at the time of granting these presents, no plague, epidemic cholera, nor any dangerous or contagious disorder exists in the above port or neighbourhood. In testimony whereof we have hereunto set our names and seal of office, on the day and year aforesaid.

Given in the Custom House of the _____ of _____ on the _____ day of _____ in the year of our Lord _____.

- (a) This form is issued by the Commissioners of Customs.

No. 49.—Rules and Bye-Laws for the Regulation of the Carriage of Explosive Substances on the River Thames and its Tributaries, made under the Authority of the Explosives Act, 1875 (a).

THE Conservators of the River Thames in exercise of the powers and authority vested in them by "The Explosives Act, 1875," and of every other authority them hereunto in anywise enabling, do order and direct as follows (that is to say):—

These rules and bye-laws apply to the River Thames and such part of its tributaries within the jurisdiction of the Conservators as lie between Cricklade, in the county of Wilts, and Yanlet Creek, in the county of Kent.

Former bye-laws repealed. The 43rd and 44th items of the bye-laws of the 5th day of February, 1872, shall, after these present bye-laws take effect, be and the same are hereby repealed.

Interpretation clause. That in the following bye-laws the words and expressions hereinafter mentioned shall have the several meanings hereby assigned to them, as defined in "The Explosives Act, 1875," and in the Order in Council of August 5th, 1875 (b), unless there be something in the subject or context repugnant to such construction.

Wharf. The expression "wharf" includes any quay, landing-place, siding, or other place at which goods are landed, loaded, or unloaded.

Carriage. The expression "carriage" includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same be propelled.

Ship. The expression "ship" includes every description of vessel used in sea navigation, whether propelled by oars or otherwise.

Boat. The expression "boat" means every vessel, not a ship as above defined, which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise.

PART I.

General Regulations for Ships and Boats carrying classes of Explosives.

Boats to fly a red flag. 1. [*Bye-law 1 is repealed by the bye-laws of November 19th, 1878 (c).*]
2. Boats with explosive on board shall display a red flag not less than 2 feet square.

Ships and boats to lie singly. 3. Ships with a greater quantity than 300 lbs. of explosive on board, and boats wholly or partly laden with explosive, shall lie singly, and be kept at least 50 yards apart, except when boats are alongside a ship or another boat for loading or unloading, but only one such boat shall be alongside of any ship on each side at the same time (d).

Boats to proceed without delay. 4. Boats with explosive on board are to prosecute their voyage without any delay, except such delay as may be unavoidable in consequence of tide or weather.

Boats to be constructed and fitted as follows: 5. The boats employed in the conveyance of explosive may be constructed of wood in the ordinary manner, with the following exceptions:—

No iron to be exposed. 6. All exposed iron or steel in the hold to be covered with sheet lead, or in some other manner to be approved of by the inspecting officer appointed by the Conservators.

Double bulk-heads. 7. Double bulk-heads without openings in them are to be placed at each end of the hold where the explosive is stowed.

Close deck. 8. The boats to have a close deck.

Fire-places. 9. The fire-place to be placed not less than 6 inches from the bulk-head of the hold, which bulk-head at the back of the fire-place is to be lined or covered with a double sheet of lead, and the cabin floor is likewise to be lined with lead.

How to be painted. 10. The boats are to be painted outside with a red stripe along the gunwale not less than 18 inches broad.

Licensing. 11. No boat shall be employed in the conveyance of explosive on the River Thames except such as has been licensed by the Conservators, and any license granted under these bye-laws may be cancelled or suspended by the Conservators if the boat holding such license shall, from any cause, become unfit for the conveyance of explosive.

(a) See 38 Vict. c. 17, ss. 34—39.

(c) See "Forms," No. 49A.

(b) This order is set out at length, post, "Orders in Council," p. 25.

(d) For an addition to this bye-law, see "Forms," No. 49A.

12. The name of the owner, and of the boat, and the registered number of the boat, are to be painted on the stern of the boat in letters or figures not less than 3 inches long and broad in proportion.

13. No license shall be given or renewed until the inspecting officer appointed by the Conservators has certified to them in writing that the requirements of the Explosives Act, 1875, and of these bye-laws have been complied with.

14. The charge for each license or renewal of license to be £1.

15. Licenses are to be renewed on the 1st January of each year.

16. [*Bye-law 16 is repealed by the bye-laws of November 19th, 1878 (a).*]

17. No passengers are to be carried on board the boats when they are wholly or partly laden with explosive.

18. No explosive is to be loaded or unloaded either into or from boats except between the hours of sunrise and sunset, provided that this prohibition shall not apply in any case in which such work can be carried on without any artificial light, or by means of artificial lights constructed and disposed in manner approved in writing by an officer appointed by the Conservators.

19. After the boats are loaded they are not to lie alongside the ships, wharves, or other places where they have been loaded, but shall proceed on their voyage without delay.

20. Boats shall not carry more than 50,000 lbs. each of explosive.

21. Boats employed in the conveyance of explosive are to be carefully examined by the person in charge of them before loading, to ascertain that there is nothing in them likely to endanger the safety of the cargo, or in contravention of these bye-laws.

22. The hold, gangways, or decks are to be carefully cleaned and swept immediately before and after loading and unloading.

23. The floor of the hold is to be covered with cloths or soft material, on which the barrels or other packages are to be laid.

24. The gangways and decks are to have hides or cloths laid down on which the barrels are to be rolled when loading or unloading.

25. A cushion stuffed with white oakum covered with leather shall be used for landing all gunpowder barrels or cases upon, either in the hold or upon the wharves.

26. If any explosive shall escape from the package in which it is contained, or be spilt, it is to be carefully swept up and thrown overboard.

27. The hatches when closed are to be covered with tarpaulins securely battened, and are only to be opened when necessary for loading or unloading the cargo, or for any absolutely necessary purpose.

28. Every boat with explosive on board is to be in the charge of, and constantly attended by, at least one person; and such person shall not have the charge of more than one such boat, excepting skiffs not exceeding 25 feet in length which are decked, and whose hatches are securely locked, and which have no accommodation for a person to be constantly on board, which skiffs may be left at the appointed barge anchorages in Erith Reach, at Greenhithe, and Higham Bight, provided the person in charge remains in the immediate vicinity.

29. An hour before any explosive exceeding 1,000 lbs. in quantity is taken on board or discharged from any ship, all fires and lights shall be extinguished, except engine-room fires, which must be previously carefully banked up, and no smoking shall be allowed on board during the time of loading or unloading, provided that this rule shall not prevent the employment of an artificial light, or ship's signal lights, constructed and disposed in such manner as shall not tend to cause danger of fire or explosion.

30. During the time any ship is taking on board or discharging any explosive, and until the completion of the receipt, delivery, and stowage thereof, there shall be present some officer of such ship especially charged with the supervision of such receipt and discharge.

31. No explosive exceeding the quantity above specified shall be loaded or unloaded while the ship is attached to, or alongside of, any steam vessel or steam-tug, unless the engine-room fires of such steam vessel or steam-tug have previously been carefully banked up, and all other fires or lights have been previously extinguished, provided that this rule shall not prevent the employment of an artificial light, or ship's signal lights,

Name and number of boat to be painted on stern.

Grant and renewals of licenses.

Passengers not to be conveyed when boats are loaded. Between sunrise and sunset.

When loaded, boats are to move away.

Maximum quantity to be carried.

Boats to be examined.

Cleaned and swept.

Floor to be covered with cloths.

Gangways and decks.

Cushions to be used for landing powder barrels on.

Spilt explosive.

Hatches to be covered.

Boat in charge of one person.

Ship's fires and lights to be extinguished. Smoking disallowed.

An officer to be in charge.

Not to ship explosive whilst alongside a steamer when the fires are lighted.

- constructed and disposed in such manner as shall not tend to cause danger of fire or explosion.
- Steam cranes.** 32. Steam winches or cranes are not to be used in loading or discharging explosives.
- Fires in boats to be put out one hour before loading or unloading.** 33. An hour before going alongside any magazine or ship, and before loading and unloading, the fires and lights on board the boats are to be extinguished.
- Boats not to have fires within certain limits.** 34. No fires and lights are to be permitted on board any boat while carrying explosive between Nine Elms and Blackwall, or within 200 yards of any town or village below Blackwall, or within 100 yards of any town or village above Nine Elms.
- No smoking allowed.** 35. No smoking is to be allowed on board the boats while laden wholly or in part with explosive, or during the time of loading or unloading.
- Matches.** 36. Safety matches only, of a description approved by an inspector appointed by the Conservators, are to be kept or used on board the boats; such safety matches to be kept in a safe place apart from the explosive.
- Explosives substances of different kinds not to be conveyed in the same ship or boat unless sufficiently separated from one another.** 37. Any explosive of the fifth (fulminate) class, or any such explosive of the sixth (ammunition) class, as contains its own means of ignition, or any explosive of the seventh (firework) class, shall not be conveyed in the same ship or boat with any explosive not of the class and division to which it belongs, unless it be sufficiently separated therefrom to prevent any fire or explosion which may take place in one such explosive being communicated to another.
- Explosive and cargo to be kept separate.** 38. In any ship carrying any quantity of explosive (beyond 300 lbs. for the ship's own use), and in any boat carrying explosive, due precautions shall be taken by means of a bulkhead or partition, or otherwise, and by careful stowing to secure the explosive carried from being brought into contact with or endangered by any other article or substance, conveyed in such ship or boat, which is liable to cause fire or explosion.
- Wharves.** 39. During the time that any explosive is being loaded or unloaded at any public wharf, no fires and lights, nor any article or substance liable to cause fire or explosion, shall be allowed at such wharf, or on board any ship or boat lying at such wharf, nor shall any person be allowed to smoke on the wharf or on board the ships and boats lying there during the loading and unloading of any explosive, or do any act or thing which is likely to cause fire or explosion.
- No time to be lost in loading or unloading.** 40. The loading and unloading of explosive from, or on any wharf, ship, or boat, when once begun shall be proceeded with, with all due diligence, until the same is completed, and all explosive unloaded at a wharf shall be conveyed away from the wharf without delay.
- The above Rules shall not apply to boats carrying a quantity of explosive not exceeding 10 lbs. for private use, or to boats only carrying explosive of the first division, of the VI. (ammunition) class.*

PART II.

Relating to Explosives of the following classes as defined by an Order in Council dated 5th August, 1875 (a).

Class I.—Gunpowder.

II.—Nitrate mixture.

VI.—Ammunition.

(a)—Division I.

(b)—Division II. when made with explosive of Class I. or II., excepting shells and torpedoes containing any explosive.

VII.—Fireworks.

Quantity below Blackwall.

Places where to lie.

41. [*Bye-law 41 is repealed by the bye-laws of November 19th, 1878 (b).]*
42. Below Blackwall, ships may have on board 300 lbs. of the above-named explosives for the ship's own use, and may take on board as cargo, while under way, a quantity not exceeding 1,000 lbs. of these explosives.
43. No ship shall take on board or discharge more than 1,000 lbs. of explosive, as enumerated above, unless lying at the red buoy near the Essex shore in Erith Reach, about three cables' lengths above Little Cold Harbour; or at the red buoy in St. Clement's Reach; or at the red buoys in Higham Bight below Gravesend. If the buoys are occupied, ships shall lie as near the buoys as practicable, but not above, or to the west-

(a) This order is set out *post*, "Orders in Council," p. 25.

(b) See "Forms," No. 49A.

ward of a post placed in the river bank 450 yards below or eastward of the Ship and Lobster.

44. Boats waiting to load or unload ships in Erith Reach, or to load from magazines above Jenningtree Point, shall lie below that point, near the Kentish shore, between two posts placed on the river bank above Erith Church. Boats in Erith Reach.

45. In St. Clement's Reach boats waiting with the explosives enumerated above on board shall lie inshore of the lower or eastern set of swinging buoys. In St. Clement's Reach.

46. In Higham Bight boats waiting with the explosives enumerated above on board shall not lie above, or to the westward of, a post placed in the river bank 450 yards below, or to the eastward of the Ship and Lobster. In Higham Bight.

47. Boats waiting to discharge their cargoes into ships in Erith Reach, St. Clement's Reach, or Higham Bight shall not lie at these places with explosives on board longer than three days. The period of three days named in this bye-law may, under special circumstances, be extended by the Conservators in the case of such boats only as have no explosives on board, except such as belong to Division I. of the sixth (ammunition) class. Boats waiting to unload into ships.

48. There shall not be conveyed in the same boat with any of the explosives, to which Part II. of these bye-laws refers, any petroleum, naphtha, paraffin, or other volatile spirit, oil, or substance giving off an inflammable vapour, nor any substances liable to spontaneous ignition, nor any article liable to cause fire or explosion (a). Petroleum, &c., not to be carried in boats with explosives.

49. Ships shall not carry more than 1,000 lbs. of any explosive, other than explosive of the first division of the sixth (ammunition) class, at the same time with any naphtha, paraffin, petroleum, or other volatile oil, except a small quantity for the ship's own use, and such naphtha, paraffin, petroleum, or other volatile oil shall not be used for any purpose, or on any pretence whatever, in a ship carrying more than 1,000 lbs. of any explosive, other than explosives of the first division of the sixth (ammunition) class, whilst such ship is in the River Thames within the jurisdiction of the Conservators (a). Petroleum, &c., not to be carried in ships with explosives.

This bye-law shall be deemed to be and read as if it were included in Part I. of these bye-laws.

50. The explosives to which this part refers may be loaded or unloaded at the following, and at no other, public wharves:— Public wharves.

Orchard Ferry.
Ferry in Buysby's Hole,
Charleton Causeway.
Erith do.

Explosives belonging to Division I. of the sixth (ammunition) class may also be loaded or unloaded at the public wharf Blackwall Stairs.

50a. Whenever any explosive is about to be loaded or unloaded at the public wharves specified in bye-law 50, notice shall be given beforehand by the person or persons directing the loading or unloading to the inspecting officer of the district appointed by the Conservators under "The Explosives Act, 1875," and to the divisional superintendent of police acting in that district.

This bye-law shall be deemed to be and read as if it were included in Part I. of these bye-laws.

PART III.

Relating to Explosives of the following classes, as defined by an Order in Council dated 5th August, 1875.

Class III.—Nitro compound.

IV.—Chlorate mixture.

V.—Fulminate.

VI.—Ammunition—Division 2, such articles as are made of Classes III. and IV., and shells and torpedoes containing any explosive.
Division III.

51. [Bye-law 51 is repealed by the bye-laws of November 19th, 1878 (b).]

(a) See "Forms," No. 49B.

(b) See "Forms," 49A.

Not to proceed
above Hole
Haven.

52. Ships or boats laden wholly or in part with any of the above-named explosives shall not proceed up the River Thames beyond, or to the westward of, Hole Haven, nor shall any ship or boat load or unload the explosives above mentioned at any place in the river except within one mile of the entrance of Hole Haven.

Boats to lie
singly.

53. Boats when laden wholly or in part with the above-named explosives shall lie singly in Hole Haven, at a distance of 50 yards from any other boat so laden, and, notwithstanding No. 3 bye-law of Part I., only one such boat shall be loaded or unloaded at the same time.

One boat only
to be loaded at
one time.

54. No other article is to be carried in boats at the same time with the explosives to which this part of the bye-laws relates, except such articles as may be necessary for the safety of the cargo, and such articles of food and clothing as may be required by the person or persons in charge, for his or their personal use.

No other
articles to be
carried with
explosives.

Small quanti-
ties may be
loaded in
Higham Bight.

55. Notwithstanding anything herein contained, a quantity not exceeding five tons of the above-named explosives may, by special permission given by the Conservators, be loaded or unloaded on board ship at or near the lowest buoy in Higham Bight, and boats may load or unload the above-named explosives at such place or places, and in such quantities, as the Conservators may, by special permission, allow.

PART IV.

General Regulations.

Carriage of
explosives for
which im-
portation
license is
required.

56. Any explosive for which an importation license is required, and which, for the time being, is not authorized by license or continuing certificate to be manufactured for general sale, nor authorized by a license to be imported for general sale, may be carried only in such manner as may be specially directed by the Conservators of the river Thames.

Package of
explosive.

57. Nothing in any of the above bye-laws shall be taken to authorize the conveyance, loading, or unloading, of any explosive, unless the same is packed and marked in manner directed by law, that is to say: in the case of gunpowder, unless it is packed and marked in accordance with the general rules contained in sect. 33 of "The Explosives Act, 1875," subject to any alterations or additions that may be directed by rules made by the secretary of state, in pursuance of the same section: and marked in accordance with the general rules as altered by the secretary of state, in pursuance of sect. 40, sub-sect. 3, of the above-mentioned act.

Penalty
clause.

58. Any person committing any breach of, or in any way infringing any of these bye-laws, shall be liable to the following penalties, that is to say: pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any of the gunpowder or explosives in respect of which, or found in the ship, boat, or carriage in respect of which, the breach or infringement of bye-laws has taken place. Penalties shall be recovered, enforced, and applied according to the provisions of "The Explosives Act, 1875."

The seal of the Conservators of the River Thames was, this 24th day of January, 1876, affixed by order.

E. BURSTAL, (L.S.)
Secretary.

The above bye-laws (except as below enumerated) were sanctioned by the Board of Trade, the 26th day of January, 1876.

C. CECIL TREVOR,
An Assistant Secretary to the Board of Trade.

The seal of the Conservators of the River Thames was, this 20th day of November, 1876, affixed by order to bye-laws Nos. 37, 38, 49, 50, 50a, 52, and 56, as amended.

E. BURSTAL, (L.S.)
Secretary.

The bye-laws last named, as amended, were sanctioned by the Board of Trade, the 22nd November, 1876.

C. CECIL TREVOR,
An Assistant Secretary to the Board of Trade.

No. 49A.—Further Rules and Bye-laws for the Regulation of the Carriage of Explosives on the River Thames and its Tributaries, made under the authority of the Explosives Act, 1875.

The Conservators of the River Thames, in exercise of the powers and authority vested in them by "The Explosives Act, 1875," and of every other authority them hereunto in anywise enabling, do order and direct as follows, that is to say:—

Bye-laws Nos. 1, 16, 41 and 51, of the bye-laws of 1876, for the regulation of the carriage of explosives on the River Thames, sanctioned by the Board of Trade on the 26th January, 1876, and 22nd November, 1876, respectively, shall, after these present bye-laws shall have been sanctioned by the Board of Trade, be and the same are hereby repealed, and, in lieu thereof, the following bye-laws are substituted:—

1. Any ship with a greater quantity than 300 lbs. of explosive on board shall fly a red flag, not less than two feet square, at the mast head, the flag to be kept flying when the ship is loading or unloading, and while the ship is in the River Thames.

Every ship before leaving any of the docks or moorings, with the intention of shipping in the River Thames a greater quantity than 300 lbs. of explosive, shall hoist such red flag, and she shall keep it flying until the explosive is taken on board, and as long afterwards as the ship is in the river.

Addition to No. 3 Bye-law.

Under special circumstances, and subject to such regulations as the Conservators may require to be observed, they may allow one ship, and no more, to lie alongside another ship for the purpose of transhipping explosive.

16. Any person or persons employed on board any ship at a time during which explosive is being loaded or unloaded, or is being stowed or unstowed, and any person or persons on board any boat carrying explosive, shall not wear boots or shoes, or slippers fitted with iron nails or metal tips, or heels of any kind, and they shall not have about their person any fuzes, matches, or other combustible.

41. No ship when in the river above Orchard Stairs, Blackwall, shall have on board more than 25 lbs. of the explosives named in Part II. of the bye-laws.

This bye-law shall not apply to explosives of the VI. Ammunition Class, Division I., that is to say:—

- Safety cartridges.
- Safety fuzes for blasting.
- Railway fog signals, and
- Percussion caps.

50b. Not less than 48 hours before shipping a greater quantity than 1,000 lbs. of the explosives enumerated in Part II. of the explosives bye-laws, notice shall be given of such intended shipment, and of the time at which it will be made, to the harbour-master of the district where the explosive is intended to be shipped, that is to say:—

To the Harbour-Master of the Upper District, at 41, Trinity Square, Tower Hill, E.C., if the explosive is to be shipped above the harbour-master's house, East Greenwich.

To the harbour-master of the central district, at Old Charlton, if the explosive is to be shipped in Erith Reach.

To the harbour-master, at Gravesend, if the explosive is to be shipped at the Greenhithe Powder Buoy, or in Higham Bight, below Gravesend.

Such notice shall be given by an owner of the ship, or by his agent on his behalf, or by the loading broker.

Nothing in this bye-law shall be held to supersede in any manner the requirements of any other bye-law.

PART III.

Relating to explosives of the following classes, as defined by an Order in Council, dated 5th August, 1875 (a):—

Class III.—Nitro compound.

IV.—Chlorate mixture.

V.—Fulminate.

VI.—Ammunition.

Division 2. Such articles as are made of Classes III. and IV., and shells and torpedoes containing any explosive.

Division 3.

51. Previous to the arrival of any ship laden wholly or in part with any explosive of the above-named classes, notice shall be given by the consignee, broker, or agent, of

(a) This order is set out *post*, "Orders in Council," p. 25.

the explosive, to the harbour-master, at his office, at Gravesend, and in the case of an explosive imported from abroad, for which, in virtue of sect. 40, sub-sect. 9 of "The Explosives Act, 1875," an importation license is required, the consignee, broker, or agent, shall be bound to satisfy the harbour-master by the production of his license, or otherwise, that the importation of the explosive in question is duly authorized; and not less than forty-eight hours before shipping any explosive of the above-named classes, notice shall be given by the consignor, broker, or agent of the explosive, to the aforesaid harbour-master, at Gravesend, of the intended shipment of such explosive, and stating the time at which the shipment will be made.

All notices required to be given by any of the bye-laws made by the Conservators of the River Thames, under "The Explosives Act, 1875," shall be given in writing, or partly in print and partly in writing, as required by sect. 85 of that act.

The seal of the Conservators of the River Thames was this 9th day of September, 1878, affixed by order.

E. BURSTAL, (L.S.)
Secretary.

The above bye-laws were sanctioned by the Board of Trade, the 19th day of November, 1878.

C. CECIL TREVOR,
An Assistant Secretary to the Board of Trade.

No. 49B.—Bye-laws made by the Conservators of the River Thames in pursuance of The Petroleum Act, 1871 (a).

Petroleum Act, 1871.

In pursuance of the Petroleum Act, 1871, the following bye-laws have been framed by the Conservators of the River Thames, and confirmed by the Board of Trade, and are hereby published in accordance with the said Act.

E. BURSTAL,
Secretary.

No. 41, Trinity Square, Tower Hill,
26th July, 1872.

RIVER THAMES.—THE PETROLEUM ACT, 1871.

The Conservators of the River Thames, in exercise of the powers vested in them by "The Petroleum Act, 1871," do hereby enact the following bye-laws:—

1. No ship or vessel laden either wholly or in part with petroleum rock oil, Rangoon oil, Burmah oil, or oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, or any products of petroleum, or of any of the above-mentioned oils, which said oils, or products of oils, when tested in manner set forth in Schedule I. to "The Petroleum Act, 1871," give off an inflammable vapour at a temperature of less than 100 degrees of Fahrenheit's thermometer, shall, for any purpose whatever, be navigated, lie in, or be moored, and no part of the cargo shall be discharged from any such ship or vessel in any part of the river Thames above or westward of Thames Haven; and all such ships or vessels, whilst laden as aforesaid, shall, when moored or anchored, lie singly and apart from each other, with a clear space of not less than 100 feet of water separating them.

2. The cargoes of such ships or vessels may be discharged below Thames Haven into covered barges constructed of iron and licensed for the purpose by the Conservators of the river Thames, but whilst so employed the barges shall be towed during daylight only to their places of destination, and no fires or lights shall be used on board them.

The Board of Trade hereby signify their confirmation of the above bye-laws.

By order of the Board of Trade, the 13th day of July, 1872.

(Signed) C. CECIL TREVOR,
Assistant Secretary.

(a) See 34 & 35 Vict. c. 105. See also 41 & 42 Vict. c. 70.

No. 50.—List of Private Signals Registered by the Board of Trade in pursuance of Section 21 of the Merchant Shipping Act, 1873.

BOARD OF TRADE, *March*, 1879.

Names and Addresses of Applicants.	Description of Signals.	Where used.
Allan Line (Messrs. J. and A. Allan), 70, Great Clyde St., Glasgow.	<ol style="list-style-type: none"> 1. Three rockets, Blue, White, and Red, fired simultaneously, or in such quick succession, as to amount practically to a simultaneous or almost simultaneous display. 2. Three pyrotechnic lights known as Blue lights, placed on the mizen-rigging in a triangular figure, the apex half way up the rigging, one of the base points being on the forward shroud and the other on the after shroud. 	Off Moville, and at the entrance of Lough Foyle in the county of Donegal, and off Queenstown Harbour in the county of Cork. On and near the coasts of the United Kingdom by the steamers of the Allan line, and on the high seas.
American Steam Ship Company, of Philadelphia, "American Line." Agents, Messrs. Richardson, Spence, and Co., 17 and 19, Water St., Liverpool.	<ol style="list-style-type: none"> 1. One rocket, followed in quick succession by One Red pyrotechnic light, One Roman candle throwing six Red balls to a height not exceeding 50 feet, One Red pyrotechnic light. 2. One Red pyrotechnic light, One Roman candle throwing six Red balls to a height not exceeding 50 feet, One Red pyrotechnic light. 	Off Browhead and Queenstown Harbour. Off Holyhead, the entrance to the Mersey, and on the high seas.
Anchor Line (Henderson Brothers), 45 and 47, Union St., Glasgow.	A Red light and a White light exhibited alternately from some conspicuous part of the ship; the Red light to be so exhibited as not to be mistaken for the Red side light carried under the regulations for preventing collisions at sea.	On and near the coasts of the United Kingdom, and on the high seas.
"Beaver Line".....	See Canada Shipping Company, Limited.	
Belgian Royal Mail Company (Messrs. Ryde and Co.), 155, Fenchurch St., London, E.C.	A Red light forward, a Red light aft, a Green light on bridge, all burning simultaneously.	Off Dover, Ryde, Hurst Castle, and the Lizard Point, also on the high seas.
Blue Star Line. Agents, Messrs. Richardson Spence & Co., 17, Water Street, Liverpool.	<ol style="list-style-type: none"> 1. Two Red pyrotechnic lights burnt in succession, one immediately after the other. 2. A rocket followed by a Red pyrotechnic light. 	<ol style="list-style-type: none"> 1. For passing vessels at sea at night. 2. For signalling off Browhead and Cork Harbour.
British and Foreign Steam Navigation Company (Messrs. Burns and MacIver), 1, Rumbold St., Liverpool.	A Blue light and two Roman candles, each throwing out six Blue balls to a height not exceeding 150 feet, and fired in quick succession.	Anywhere within British jurisdiction, and on the high seas.
British and North American Royal Mail Steam Packet Company, Liverpool.	See Cunard Line.	

"Forms," No. 50—continued.

Names and Addresses of Applicants.	Description of Signals.	Where used.
Messrs. Burns and Maclver, Liverpool.	See British and Foreign Steam Navigation Com- pany.	
Canada Shipping Com- pany Limited ("Beaver Line"), H. J. Selkirk, Esq., 1, Commercial Buildings, 17, Water St., Liverpool.	1. Three Green lights burning simultaneously, one at each end of bridge and one at stern of vessel. For wishing to communicate— 2. A Red light following the above, to be shown aft.	Anywhere within British juris- diction or on the high seas.
City of Dublin Steam Packet Company, 15, Eden Quay, Dublin.	1. A Red pyrotechnic light exhibited from the paddle-box. 2. A lamp showing a bright White light hung over the quarter for a few seconds.	1. When passing the head of Holyhead break- water, or the head of the East Breakwater of Kingstown Har- bour. 2. When passing vessels of the same company at sea.
ANSWERING SIGNALS.		
	1. Guns to be fired from the Kish light-ship at intervals of 15 minutes, commencing at 6 a.m. and 5 p.m., to be continued until a gun be fired from the Mail Packet to indicate that the firing from the light-ship was no longer re- quired. 2. Guns to be fired from H.M. Ship lying in Kingstown Harbour in reply to guns fired from the Mail Packet when near the entrance of the Harbour. 3. Guns to be fired from the light on the end of Holyhead Breakwater in reply to guns fired from the Mail Packet on her supposed proximity to the breakwater.	
Compagnie Générale Transatlantique, Agents, Messrs. Poth- onier et Cie., 4, Rum- ford Place, Liverpool.	1. A White Bengal light burned amidships, and 2. Thirty seconds after a Blue, White, and Red Bengal light burned simultaneously at the fore, middle, and after part of the vessel respec- tively.	Anywhere within British jurisdic- tion, and on the high seas.
Cunard Line (British and North American Royal Mail Steam Packet Company), D. and C. Maclver, 8 Water St., Liverpool.	1. A blue light and two rockets bursting into golden stars fired in quick succession. 2. A Blue light and two Roman candles, each throwing out six Blue balls to a height not exceeding 150 feet, and fired in quick suc- cession.	Off Browhead in the county of Cork, and off Queenstown Harbour in the county of Cork. Anywhere within British jurisdic- tion, and on the high seas.
D. Currie and Co., 3 and 4, Fenchurch St., E.C.	A Blue light burned on the bridge, followed im- mediately by a Roman candle throwing five Blue balls to a height not exceeding 150 feet.	Anywhere within British jurisdic- tion, or on the high seas.
Messrs. Flynn, Main, and Montgomery, Liver- pool.	See Mississippi and Dominion Steam Ship Com- pany.	
H. A. Gadsden, Cardiff	See South Wales Atlantic Steam Ship Company.	

"Forms," No. 50—continued.

Names and Addresses of Applicants.	Description of Signals.	Where used.
Great Eastern Railway Company.	1. A Roman candle throwing out Red balls to a height not exceeding 150 feet. 2. A Roman candle throwing out White balls to a height not exceeding 150 feet.	Near the Cork light ship and at the entrance of Harwich Harbour.
C. Grimshaw and Co., Liverpool.	See Liverpool and Texas Steam Ship Company.	
Great Western Steam Ship Line (Mark Whitwill and Son), Bristol.	The Chatham light	(a.) Anywhere within the Bristol Channel. (b.) Off the South coast of Ireland, and— (c.) On the high seas.
Guion Line	See Liverpool and Great Western Steam Company.	
C. Gunner and Co., London.	See State Line Steam Ship Company.	
Hamburg American Steam Ship Company (Smith, Sundins, and Co., Agents), 33, Gracechurch St., E.C.	Three Roman candles burned in immediate succession at the stern of the vessel, each Roman candle throwing to a height not exceeding 50 feet seven stars in the following order of colour, viz., White, Red, Blue, White, Red, Blue, White.	Off the Scilly Islands, off Lizard Point, off Plymouth, and on the high seas.
Henderson Brothers, Glasgow.	See Anchor Line.	
Inman Line (Liverpool, New York, and Philadelphia Steam Ship Company (William Inman), 62, Tower Buildings, Liverpool.	One pyrotechnic light known as a Blue light, shown at the fore part of the ship. One Red pyrotechnic light shown on the bridge. One pyrotechnic light known as a Blue light, shown at the aft part of the ship. Two variegated rockets, the balls thrown out of each of which are Blue, Red, and Green. All the lights and rockets to be fired simultaneously or in such quick succession as to amount to a simultaneous or almost simultaneous display.	Off Browhead in the county of Cork, and off Queenstown Harbour in the county of Cork.
Messrs. Ismay, Imrie, and Co., Liverpool.	See White Star Line.	
W. Jaffray, Liverpool ..	See D. MacIver.	
Johnson, Grainger, and Company, Hargreaves Buildings, Chapel St., Liverpool.	The Chatham light	When passing steamers of the same owners at sea.
Messrs. Keller, Wallis, and Postlethwaite, Southampton.	See North German Lloyd.	
M. Langlands & Sons, 88, Gt. Clyde St., Glasgow.	The Chatham light	Anywhere within British jurisdiction, and on the high seas.
F. Leyland and Com- pany, Liverpool.	Three Red pyrotechnic lights burned singly but in quick succession.	Off the Scilly Isles, off Holyhead, at the mouth of the Mersey, and on the high seas.

"Forms," No. 50—continued.

Names and Addresses of Applicants.	Description of Signals.	Where used.
Liverpool and Great Western Steam Company (Guion Line), 11, Rumford St., Liverpool.	A Blue pyrotechnic light forward, a Blue pyrotechnic light on the bridge, a Blue pyrotechnic light aft, all burning simultaneously.	Off the coasts of Ireland and Wales, at the mouth of the Mersey, and on the high seas.
Liverpool and Texas Steam Ship Company (Messrs. C. Grimshaw and Co.), 5, Chapel St., Liverpool.	A Green and a Red pyrotechnic light exhibited simultaneously from the bridge.	Anywhere within British jurisdiction, and on the high seas.
Liverpool, N. York, and Philadelphia Steam Ship Company.	See Inman Line.	
London, Chatham, and Dover Railway Company, Dover.	<p>A Red Light denotes position; when burned by a vessel not in answer to a signal, it means "What am I to do?"</p> <p>A Red light then { "I am temporarily disabled but am not in want of assistance."</p> <p>A Green light. {</p> <p>A Bright or White light. { Vessels meeting or passing at sea, and one wishing to give warning that there are obstructions in or off the port she has left, is to burn this light.</p> <p>One Red light. A vessel's answer to a sister vessel's signal.</p> <p>Two Blue lights together. { To be burnt by a special vessel when 15 minutes off.</p> <p>A Green light. { "Have India mail on board in addition to ordinary mails."</p> <p>A Red light and a Green light together. { "Off Deal Jetty and wish to communicate."</p>	Off Dover, off Ramsgate, and off Sheerness.
London and South Western Railway Company, Steam Packet Department, Southampton.	A Roman candle throwing out Green balls to a height not exceeding 150 feet.	Off Southampton, anywhere within the Solent and Spithead; also off the Channel Islands, and on the high seas.
W. B. Macalister	See National Steamship Company.	
Lewis T. Merrow and Co., Glasgow.	See State Line Steam Ship Company.	
D. & C. MacIver, Liverpool.	See Cunard Line.	
D. MacIver, Agent, W. Jaffray, 8 and 9, Liverpool and London Chambers, Liverpool.	One Red pyrotechnic light, followed by a Roman candle throwing six Green balls to a height not exceeding 50 feet.	On the coasts of the United Kingdom, and on the high seas.
Mississippi and Dominion Steam Ship Company (Messrs. Flinn, Main, and Montgomery, 24, James St., Liverpool.	<ol style="list-style-type: none"> 1. A Roman candle throwing six Red stars to a height not exceeding 100 feet. 2. The Chatham light showing six flashes of five seconds duration each, with intervals of five seconds. <p><i>Notes.</i>—These two signals may be used either separately or together.</p> <ol style="list-style-type: none"> 3. A Blue pyrotechnic light shown simultaneously, with either one or both of the signals numbered 1 and 2. <p><i>Note.</i>—When this signal is used it signifies a wish to communicate.</p>	Anywhere within British jurisdiction, and on the high seas.

"Forms," No. 50—continued.

Names and Addresses of Applicants.	Description of Signals.	Where used.
National Steam Ship Company, 21, Water St., Liverpool. Mana- ger, W. B. Macalister.	A Blue pyrotechnic light forward: A Red pyrotechnic light on the bridge : A Blue pyrotechnic light aft : All burning simultaneously, and placed in such positions and at such intervals as to form a triangle.	Anywhere within British jurisdic- tion, and on the high seas.
North German Lloyd (Keller, Wallis, and Postlethwaite), South- ampton.	For use by any of the steamers of the N. G. Lloyd. 1. Two pyrotechnic lights burned simultane- ously, each of which changes from the light commonly known as a Blue light to a Red light.	Anywhere within British jurisdic- tion, and on the high seas.
	<p style="text-align: center;">NEW YORK LINE, <i>Mail Steamers only.</i></p> <p>2. (a) The steam whistle blown well, (b) burned simultaneously two pyrotechnic lights described in the paragraph marked 1 above as changing from Blue to Red, and (c) shown in lanterns simultaneously and vertically from the mizen peak, one Green light, one Red light, and one White light, the whole constituting one signal. When this signal is acknowledged by the tele- graph station at Hurst Castle, then a Roman candle throwing up Red stars to a height not exceeding 150 feet is to be burnt on any part of the ship.</p>	Near Hurst Castle.
	<p style="text-align: center;"><i>For the extra Steamers only.</i></p> <p>3. (a) The steam whistle blown well, (b) burned simultaneously two changing pyrotechnic lights described in paragraph numbered 1 above, and (c) shown in lanterns simultaneously and verti- cally from the port fore yard-arm, one White light, one Red light, and one Green light, the whole constituting one signal. When this signal is acknowledged by the telegraph station at Hurst Castle, then one of the changing pyro- technic lights described in paragraph numbered 1 above is to be burnt over the name of the steamer on the bow.</p>	Near Hurst Castle.
	<p style="text-align: center;">BALTIMORE LINE.</p> <p>4. (a) The steam whistle blown well, (b) burned simultaneously two of the changing pyrotech- nic lights described in paragraph numbered 1 above, and (c) shown in lanterns horizontally and simultaneously from the mizen peak, a Green light, a Red light, and a White light, the whole constituting one signal. When this signal is acknowledged by the telegraph station at Hurst Castle no reply is to be made from the ship.</p>	Near Hurst Castle.
	<p style="text-align: center;">NEW ORLEANS LINE.</p> <p>5. (a) The steam whistle blown well, (b) burned simultaneously two of the changing pyrotec- nic lights described in paragraph numbered 1 above, and (c) shown in lanterns, a Red light, a White light, and a Green light in a triang- ular form from the mizen peak, the whole con- stituting one signal.</p>	Near Hurst Castle.

"Forms," No. 50—continued.

Names and Addresses of Applicants.	Description of Signals.	Where used.
North German Lloyd— <i>continued.</i>	The apex of the triangle is to be at the bottom, and is to be formed by a Green light, the angle at the left-hand side by a Red light, and the angle at the right-hand side by a white light as seen from the shore. When this signal is acknowledged by the telegraph station at Hurst Castle no reply is to be made from the ship. WEST INDIA LINE. 6. (a) The steam whistle blown well, (b) burned simultaneously two of the changing pyrotechnic lights described in paragraph numbered 1 above, and (c) shown in lanterns vertically from the port fore yard-arm, one Green light and one Red light, the whole constituting one signal. When this signal is acknowledged by the telegraph station at Hurst Castle no reply is to be made from the ship.	Near Hurst Castle.
Northumberland Steam Shipping Company, New Quay, North Shields.	One pyrotechnic Blue light burned close to the funnel and immediately followed by one magnesium light to make clear the device on the funnel. <i>Note.</i> —The blue light is not to be used in pilot waters, except for the purpose of calling a pilot.	Anywhere within British jurisdiction.
G. M. Papayanni, 8, Fenwick St., Liver- pool.	1. A bright White light shown in a lantern from the bridge, and two rockets, each of them throwing White, Blue, and Red Stars, fired simultaneously, or in such quick succession as to amount to a simultaneous or almost simultaneous display. 2. A bright White light shown in a lantern from the after part of the ship, and two lights shown in lanterns through Blue and Red glasses from amidships.	Off Moville and at the entrance of Lough Foyle, off Browhead, and off Queenstown Harbour. Anywhere on the high seas.
Messrs. Pothonier et Cie., Liverpool.	<i>See</i> Compagnie Générale Transatlantique.	
"Red Star Line"	<i>See</i> Société Anonyme de Navigation, Belge-Américaine.	
Richardson, Spence, and Co., Liverpool.	<i>See</i> American Steam Ship Company, of Philadelphia.	
Do.	<i>See</i> Blue Star Line.	
Do.	<i>See</i> Société Anonyme, &c.	
Royal Mail Steam Packet Company, 55, Moor- gate St., London.	A Yellow pyrotechnic light, and a Roman candle throwing up white balls to a height not exceeding 150 feet, fired simultaneously.	Anywhere within British jurisdic- tion, and on the high seas.
Royal Ulster Yacht Club, County Court House, Belfast.	A single Blue light to be exhibited by each yacht on nearing the club flag-ship, to give notice to the officer in charge of their approach, a Blue light to be exhibited on board the flag-ship as an answer.	Anywhere within British jurisdic- tion.
Ryde and Co., London.	<i>See</i> Belgian Royal Mail Company.	
Selkirk, H. J., Liver- pool.	<i>See</i> Canada Shipping Company, Limited.	

"Forms," No. 50—continued.

Names and Addresses of Applicants.	Description of Signals.	Where used.
Siemens, Brothers, 12, Queen Anne's Gate, London, W.	A White light produced by burning magnesium wire followed by a clear light from a good lamp which shall be darkened five times successively, three times of short duration, one long, and one again of short corresponding to telegraph "call" signal of the Morse Code.	Anywhere within British jurisdiction, and on the high seas.
Smith, Sundins, and Co., London.	<i>See</i> Hamburg American Steam Ship Company.	
Société Anonyme de Navigation, Belge-Américaine, "Red Star Line." Agents, Messrs. Richardson, Spence, and Co., 17, Water St., Liverpool.	Three Red lights burning simultaneously, one forward, one on the bridge, and one aft.	On or near the coasts of the United Kingdom.
South Wales Atlantic Steam Ship Company (Hy. A. Gadaden, Manager), 1, Dock Chambers, Cardiff.	1. Two rockets bursting into Red stars fired simultaneously, followed by one pyrotechnic light known as a Blue light, changing to a Red light, and again changing to a Blue light. 2. One pyrotechnic light known as a Blue light, changing to a Red light, and again changing to a Blue light.	Off Browhead in the county of Cork. Anywhere on the high seas.
State Line Steam Ship Company (Lewis T. Merrow and Co. Managers), 65, Great Clyde St., Glasgow. C. Gunner and Co., London Agents, 19, Change Alley, Cornhill, E.C.	A Red pyrotechnic light forward: A pyrotechnic light known as a Blue light amidships: A Red pyrotechnic light aft. All burning at the same time.	On or near the coasts of the United Kingdom and on the high seas, but is registered only for such of the company's ships as are steamers, and are employed in making voyages between Great Britain and the east coast of the continent of North America.
Union Steam Ship Company, Southampton.	A Roman candle throwing to a height not exceeding 150 feet Green balls, followed by Red balls, and concluding with Green and Red balls together. The steam whistle to be sounded at the same time.	Anywhere within British jurisdiction, and on the high seas.
G. Warren and Co., 8, Fenwick St., Liverpool.	A Red light forward, a White light amidships, and a Green light aft, all burning simultaneously.	On or near the coasts of the United Kingdom and on the high seas.
West India and Pacific Steam Ship Company, Liverpool.	The Chatham light	Anywhere within British jurisdiction, and on the high seas.
White Star Line (Messrs. Ismay, Imrie, and Co.), Liverpool.	1. A Green pyrotechnic light followed quickly by a rocket throwing two Green stars, the rocket again followed by another Green pyrotechnic light, constituting one signal. 2. Two Green pyrotechnic lights exhibited simultaneously.	Off Browhead in the county of Cork, and off Queenstown Harbour in the county of Cork. Off Holyhead at the mouth of the Mersey, and on the high seas.
Mark Whitwill and Son, Bristol.	<i>See</i> Great Western Steam Ship Line.	

**No. 51.—General Order of the Local Government Board, dated July 17th, 1873,
as to Ships infected with Cholera or Choleraic Diarrhœa.**

(See 29 & 30 Vict. c. 90, s. 52.)

To all urban, rural, and port sanitary authorities (a); to all officers of customs; to all masters of ships; and to all others whom it may concern.

WHEREAS the Lords of her Majesty's most honourable privy council, by an order bearing date the 29th day of July, 1871, after reciting certain provisions of an act passed in the 6th year of the reign of his Majesty King George IV. c. 78, and of the Sanitary Act, 1866, and further that cholera was then prevailing in certain parts of continental Europe with which this country had communication, and that it was requisite to take precaution, as far as practicable, against the introduction of that disease into this country, did make certain rules, orders, and regulations in respect thereof, and by certain other orders bearing date respectively the 3rd and 5th days of August, 1871, did make further regulations; and whereas under and by virtue of the Local Government Board Act, 1871, all powers and duties vested in and imposed on her Majesty's most honourable privy council by among others the said Sanitary Act, 1866, were, as regards England and Wales, transferred to and imposed on the local government board; And whereas cholera is now prevalent in certain parts of continental Europe with which this country has communication, and it is expedient that the said rules, orders, and regulations should be rescinded, and other rules, orders, and regulations substituted in their place. Now, therefore, we, the local government board, do hereby rescind all such rules, orders, and regulations in the above-recited orders contained, except in so far as they apply to Scotland (b), or may apply to any proceedings now pending, and we do hereby order as follows:—

Definitions.

Art. 1. In this order:

The term "ship" includes vessel or boat.

The term "officer of customs" includes any person having authority from the commissioners of customs.

The term "master" includes the officer or person for the time being in charge or command of a ship.

The term "cholera" includes choleraic diarrhœa.

The term "sanitary authority" has the same meaning as in the Public Health Act, 1872.

The term "clothing and bedding" includes all clothing and bedding in actual use and worn or used by the person attacked at the time of or during the attack of cholera.

For the purposes of this order, every ship shall be deemed infected with cholera in which there is or has been during the voyage, or during the stay of such ship at a foreign port in the course of such voyage, any case of cholera.

I.—Regulations as to Customs Inspection.

Art. 2. If any officer of customs, on the arrival within the limits of any port in England of any ship, ascertains from the master of such ship or otherwise, or has reason to suspect that the ship is infected with cholera, he may detain such ship, and order the master forthwith to moor or anchor the same; and thereupon the master shall forthwith moor or anchor the ship in such position as such officer of customs shall direct.

Art. 3. Whilst such ship shall be so detained, no person shall leave the same.

Art. 4. The officer of customs detaining any ship as aforesaid, shall forthwith give notice thereof, and of the cause of such detention, to the port sanitary authority, if there be one, or otherwise to the sanitary authority of the district within which the ship shall be detained.

Art. 5. Such detention by the officer of customs shall cease as soon as the said ship shall have been duly visited and examined by the proper officer of the sanitary authority; or, if the ship shall, upon such examination, be found to be infected with cholera, as soon as the same shall be anchored or moored in pursuance of Art. 9 of this Order.

Provided that if the examination be not commenced within twelve hours after notice given as aforesaid, the ship shall, on the expiration of the said twelve hours, be released from detention.

II.—Regulations as to Sanitary Authorities.

Art. 6. The port or other sanitary authority at every port shall, as speedily as practicable, with the approval of the chief officer of customs of such port, fix some place or places within the said port where any ship may be detained, moored, or anchored, for the purpose of these regulations.

(a) A list of the existing port sanitary authorities is annually published in the Appendix to the Report of the Local Government Board presented to parliament. See 38 & 39 Vict.

c. 55, ss. 287—291.

(b) As to Scotland, see an Order in Council of the 28th of July, 1873, gazetted the 30th of July, 1873.

Art. 7. Any officer appointed by such sanitary authority to see to the carrying out of this order, if he have reason to believe that any ship arriving within the district of such authority, whether examined by the officer of customs or not, is infected with cholera, or shall have come from a place infected with cholera, may visit and examine such ship for the purpose of ascertaining whether it is so infected; and the master of such ship shall suffer the same to be so visited and examined.

Art. 8. The sanitary authority, on notice being given to them by an officer of customs, under this order, shall forthwith cause the ship in regard to which such notice shall have been given, to be visited and examined by their medical officer of health, or some other legally qualified medical practitioner, for the purpose of ascertaining whether it is infected with cholera.

Art. 9. The master of every ship which is infected with cholera shall, after any such examination as aforesaid, as long as the ship is within the district of a sanitary authority, moor or anchor her in such position as from time to time the said authority shall direct.

Art. 10. No person shall leave any such ship until the examination hereinafter mentioned shall have been made.

Art. 11. The sanitary authority shall, as soon as possible after the arrival of any such ship, cause all persons on board of the same to be examined by their medical officer of health, or some other legally qualified medical practitioner, and shall permit all persons who shall not be certified by him, as hereinafter mentioned, to land immediately.

Art. 12. Every person certified by the medical officer of health or medical practitioner making such examination to be suffering from cholera shall be dealt with under any rules that may have been made by the sanitary authority under the 29th section of the Sanitary Act, 1866, or, where no such rules shall have been made, shall be removed, if the condition of the patient admit of it, to some hospital or place previously appointed for such purpose by the said authority; and no person so removed shall leave such hospital or place until the medical officer of health of the authority, or some other legally qualified medical practitioner appointed by them, shall have certified that such person is free from the said disease.

If any person suffering from cholera cannot be removed, the ship shall remain subject, for the purposes of this order, to the control of the medical officer of health, or some other legally qualified medical practitioner appointed by the said authority; and the infected person shall not be removed from or leave the ship except with the consent in writing of the medical officer of health or other medical practitioner.

Art. 13. Such medical officer of health, or medical practitioner, shall give directions and take such steps as may appear to him to be necessary for preventing the spread of the infection, and the master of the said ship shall forthwith carry into execution such directions as shall be given to him by such officer or practitioner.

Art. 14. Any person certified by such medical officer of health, or medical practitioner as aforesaid, to be suffering from any diarrhoeal or other illness which he may suspect to be cholera, may either be detained on board the ship or taken to some hospital or other previously appointed place, and detained there, for any period not exceeding two days, until it be ascertained whether the illness is or is not cholera.

Any such person who, while so detained, shall be certified by the medical officer of health or medical practitioner to be suffering from cholera, shall be dealt with as in the above article relating to patients suffering from that disease.

Art. 15. In the event of any death from cholera taking place on board of such vessels while so detained, the master shall cause the dead body to be taken out to sea, and committed to the deep, properly loaded to prevent its rising.

Art. 16. The master shall cause the clothing and bedding of every person who may have suffered from cholera on board such vessel, or who, having at any time been on board such vessel, shall have suffered from cholera during the stay of such vessel in a foreign port, to be disinfected, or, if necessary, destroyed; and if the master shall have neglected to do so before the ship arrives in port, he shall forthwith, or upon the direction of the said authority, cause the same to be disinfected or destroyed, as the case may require; and if the said master neglect to comply with such direction within a reasonable time, the authority shall cause the same to be carried into execution.

Art. 17. The master shall cause every part of the ship, and every article therein, other than those last described, which may probably be infected with cholera, to be disinfected or destroyed, when required to do so by the said authority, or by their medical officer of health.

Given under our seal of office, this 17th day of July, in the year 1873.

JAMES STANSFIELD, *President.*

JOHN LAMBERT, *Secretary.*

No. 52.—Instructions as to Witnesses' Expenses, issued by the Board of Trade to Receivers of Wreck and Superintendents of Mercantile Marine (March, 1876).

WITNESSES' EXPENSES.

The Board of Trade having sanctioned the accompanying scale of allowance to officers and seamen retained as witnesses for inquiries into maritime casualties or for prosecutions under the Merchant Shipping Acts, Receivers of Wreck and Superintendents of Mercantile Marine will not in any instance grant a larger rate of pay without the express authority of the Department. Nor will they without such express authority make any payments whatever to persons not provided for in the scale.

In the event of any case arising in which it may appear desirable to grant a larger rate of remuneration, the receiver or superintendent will report the circumstances to the assistant secretary of the finance department of the Board of Trade, who will issue the necessary instructions on the subject.

When a seaman detained at one port is sent to another port to give evidence at a Board of Trade inquiry, the receiver or superintendent by whom the seaman is so forwarded will furnish him with a letter addressed to the receiver or superintendent of the port to which he is directed to proceed, containing particulars of the date of his detention, the rate at which he is to be paid according to the scale, and a statement of account containing particulars of the amounts advanced to him for daily allowance and travelling. This letter, which is intended for the guidance of the receiver or superintendent at the port of destination, will be delivered to him by the witness as soon as he arrives, and should be forwarded to the Board of Trade with the accounts at the end of the month.

As soon as a witness has given his evidence or is no longer required, the receiver or superintendent at the port where the inquiry is held, will, after taking his receipt, finally settle with him, paying him the balance due to him.

In the case of a witness forwarded from another port and wishing to return, such balance will include railway fare (second class) and one day's allowance for each additional day necessarily occupied in returning to the port from which he came.

The receiver will satisfy himself that the journey is really made.

SCALE OF SUBSISTENCE ALLOWANCE.

RANK.	Vessels of 1,000 tons register and upwards.		Vessels of 500 to 1,000 tons register.		Vessels of less than 500 tons register.	
	Passenger.	Cargo.	Passenger.	Cargo.	Passenger.	Cargo.
CERTIFICATED OFFICERS.						
Chief officer	s. d. 15 0	s. d. 12 6	s. d. 12 6	s. d. 10 6	s. d. 12 6	s. d. 10 6
Only mate	12 6	10 0	12 6	10 0	12 6	10 0
Second officer	12 6	10 6	10 0	7 6	10 0	7 6
Third or other officer	10 6	7 6	7 6	7 6	7 6	7 6
Chief engineer	15 0	15 0	15 0	12 6	12 6	10 0
Assistant do.	12 6	10 0	10 0	7 6	10 0	7 6
Third or other engineer	10 6	7 6	7 6	7 6	7 6	7 6
UNCERTIFICATED OFFICERS						
To receive 2s. 6d. per diem less than would be paid to certificated officer holding like position.						
Carpenters	7 0	7 0	7 0	7 0	7 0	7 0
Chief stewards on passenger ships ..	7 6	—	7 6	—	7 6	—
PETTY OFFICERS.						
Quartermasters, boatswains, cooks, } stewards, and donkeymen	6 0	6 0	6 0	6 0	6 0	6 0
A. B. seamen and firemen	5 0	5 0	5 0	5 0	5 0	5 0
Ordinary seamen	4 6	4 6	4 6	4 6	4 6	4 6
Apprentices	4 0	4 0	4 0	4 0	4 0	4 0

**No. 53.—General Rules for Courts of Survey in the United Kingdom,
1876 (a).**

Whereas by the Merchant Shipping Act, 1876, it is provided that the owner or master of a ship, that has been provisionally detained, may appeal to the court of survey for the port or district where the ship is detained:

And whereas it is further provided that every court of survey shall consist of a judge sitting with two assessors; and that the judge of the court shall be summoned from a list of persons from time to time approved for the port or district by one of her Majesty's principal secretaries of state:

And whereas it is provided that the lord chancellor of Great Britain may from time to time (with the consent of the Treasury so far as relates to fees) make general rules to carry into effect the provisions of the said act with respect to courts of survey:

Now, therefore, I, the right honorable Hugh McCalmont Baron Cairns, lord high chancellor of Great Britain, with the consent so far as may be necessary of one of her Majesty's principal secretaries of state, and of the Treasury so far as relates to fees, do order as follows:—

Short Title.

1. These rules may be cited as "The Rules of the Court of Survey, 1876."

Commencement.

2. These rules shall come into operation on the 1st day of October, 1876.

Interpretation.

3. In the construction of these rules, words importing the singular number shall include the plural, and words importing the plural number shall include the singular number.

Courts of Survey, their Districts and Officers.

4. The courts of survey, with the districts assigned to each, and the persons authorized to act as judges and registrars thereof, and which have been approved by one of her Majesty's principal secretaries of state, as set forth in Appendix A., shall be the courts of survey, and the districts, judges, and registrars of such courts, for the purposes of the Merchant Shipping Acts, 1854 to 1876.

Publication of Rules.

5. These rules shall be published by her Majesty's stationery office through its agents, and a copy shall be kept at the office of the registrar of every court of survey, and at every custom house and mercantile marine office in the United Kingdom, and may be perused thereat by the master or owner of any ship which may be provisionally detained under the Merchant Shipping Act, 1876, and by any one deputed by him.

Publication of the Name of Registrar and of his Office.

6. A notice shall be put up in some conspicuous place in every custom house and mercantile marine office in the United Kingdom, containing the name of the registrar of the court of survey for that district, and the name of the street or place in which such registrar's office is situated.

Notice of Appeal.

7. Where the owner or master of a ship, hereinafter called the appellant, desires to appeal to a court of survey, he shall file at the office of the registrar of the court of survey for the London district, or for the district in which the ship is, hereinafter called the court, a notice in the Form No. 1 in Appendix B.

Summoning of Court.

8. Immediately upon the filing of the notice of appeal, the registrar shall communicate the fact, by telegraph and letter, to the Board of Trade, who shall thereupon inform him whether they intend to have the appeal heard by a wreck commissioner, and, if so, on what day.

9. If the Board of Trade inform him that they do not intend to have the appeal heard by a wreck commissioner, the registrar shall forthwith ascertain which of the other judges of the court will hear the appeal, and on what day.

10. On ascertaining when the hearing will take place, the registrar shall, if there is a list of assessors for the court, select therefrom the person who is, in his opinion, the best qualified to act as assessor on the appeal; or if there is no such list, he will take the instructions of the judge as to the assessor to be appointed.

(a) See M. S. Act, 1876, ss. 5, 7, 8, 9; and "Forms," No. 53A.

"Forms," No. 53—continued.

11. The Board of Trade shall appoint the other assessor, and shall forthwith send the name and address of such assessor to the registrar.

12. If the ship is a foreign ship, the registrar shall give notice to the consular officer for the State to which the ship belongs, residing at or nearest to the place where the ship is detained, that, at the request of the appellant, some competent person will be selected by the consular officer to act as assessor.

13. As soon as the registrar has ascertained by whom the appeal will be heard, he shall summon the court in the Form No. 2 in Appendix B. He shall at the same time send notice thereof to the Board of Trade and to the appellant, in the Form No. 3 in Appendix B.

14. If the survey has been made on the complaint of any person, hereinafter called the complainant, the Board of Trade shall send to him notice of the time and place appointed for the hearing.

15. Previous to the hearing the Board of Trade shall forward to the registrar, to be produced as evidence at the hearing, an official copy of the report of the surveyor.

16. The court shall, if practicable, be summoned to hear the appeal on a day not later than fourteen days from the filing of the notice of appeal.

Parties.

17. The Board of Trade and the appellant shall be parties to the proceedings.

18. Any other person, on entering an appearance, may, by permission of the judge, be made a party to the proceedings.

Notice to Produce.

19. Either party may give to the other a notice in writing to produce such documents (saving all just exceptions) as relate to any matters in difference, and which are in the possession or control of such other party; and if such notice be not complied with, secondary evidence of the contents of the said documents may be given by or on behalf of the party who gave such notice.

Notice to Admit.

20. Either party may give to the other party a notice in writing to admit any documents (saving all just exceptions); and in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving such documents, whatever the result may be, unless the court is of opinion that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the officer by whom the costs are taxed, a saving of expense.

Witnesses.

21. The wreck commissioner shall have power to issue subpoenas as nearly as may be in the form used in the high court of justice, and such subpoenas shall have effect, and may be served, in any part of the United Kingdom.

Affidavits.

22. Affidavits may, by permission of the judge, be used at the hearing, when sworn to in any of the following ways; viz.,

In the United Kingdom, before any judge or registrar of a court of survey, or before a person authorised to administer oaths in the Supreme Court of Judicature, or before a commissioner empowered to take or receive affidavits, or before a justice of the peace for the county or place where it is sworn or made.

In any place in the British dominions out of the United Kingdom, before any court, judge, or justice of the peace, or any person authorised to administer oaths there in any court.

In any place out of the British dominions, before a British minister, consul, vice-consul, or notary public, or before a judge or magistrate, his signature being authenticated by the official seal of the court to which such judge or magistrate is attached.

Proceedings in Court.

23. At the hearing, the Board of Trade shall first call their witnesses, and having done so shall state in writing what order they require the court to make.

24. The complainant, if he has appeared, shall then call his witnesses, and having done so shall state in writing what order he requires the court to make.

25. The appellant shall then call his witnesses, and having done so shall state in writing what order he requires the court to make.

26. After the appellant has examined all his witnesses, the Board of Trade and the complainant may, on cause shown to the satisfaction of the judge, call further witnesses in reply.

27. After all the witnesses have been examined, the court shall first hear the appellant, then the complainant (if any), and afterwards the Board of Trade.

28. The judge may adjourn the court from time to time and from place to place, as may be most convenient.

29. The judge may deliver the decision of the court either *viva voce* or in writing; and, if in writing, it may be sent or delivered to the respective parties, and it shall not be necessary to hold a court merely for the purpose of giving the decision.

30. As soon as possible after the court has come to its decision, the judge shall issue an order for the release or detention (either finally or on condition) of the vessel in the Form No. 4 in Appendix B.

31. The judge shall report to the Board of Trade in the Form No. 5 in Appendix B.

Costs and Damages.

32. The court may, if the parties consent thereto in writing, decide whether costs or costs and damages are due, and to and from whom, and may assess the amount thereof; or the parties may, by consent in writing, refer the question to the Wreck Commissioner.

33. The order for the payment of costs, or of costs and damages, shall be in the Form No. 6 in Appendix B.

Computation of Time.

34. In computing the number of days within which any act is to be done, the same shall be reckoned exclusive of the first day and inclusive of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, or Good Friday, or on a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusive of that day also.

35. The days between Thursday next before and the Wednesday next after Easter Day and Christmas Day, and the three following days, shall not be reckoned or included in the computation.

Service of Notices, &c.

36. Any notice, summons, or other document issuing out of the court may be served by post.

37. The service of any notice, summons, or other document may be proved by the oath or affidavit of the person by whom it was served.

Table of Fees.

38. The fees, a table whereof is in Appendix C., shall be demanded and taken in any proceedings before a court of survey.

Dated this 29th day of September, 1876.

CAIRNS, C.

APPENDIX A.

Lists of the courts of survey, with the districts assigned to each, and the persons authorized to act as judges and registrars thereof, approved by one of her Majesty's principal secretaries of state (a).

In the following lists, column No. 1 contains the names of all the courts of survey in the United Kingdom.

Districts.

The district of the court of survey for London shall include the city of London, and the districts of all the metropolitan county courts, the districts of the county court of Kent holden at Gravesend, Dartford, Greenwich, and Woolwich, the districts of the county court of Essex holden at Brentwood and Romford, and the district of the county court of Surrey holden at Wandsworth.

The district of any other court of survey in England shall be the district of the county court of the place at which the court of survey is held.

The district of a court of survey in Scotland and in Ireland shall be the district of the port of customs of the place at which the court is held.

The courts shall be held at the places whose names they bear, or at any place within their respective districts, and may, by the permission of the judge, be adjourned to any place out of such districts.

Judges.

The wreck commissioner shall be a judge of every court of survey in the United Kingdom.

The persons whose official titles are set out in column No. 2, shall be the other judges of the courts of survey at the places opposite to which their names occur.

(a) See M. S. Act, 1876, s. 7.

"Forms," No. 58—continued.

Registrars.

The registrar of the court of survey for London shall be Mr. William Edward Stanley Thompson, and his office shall be at Somerset House, Strand, in the county of Middlesex.

The registrar of any other court of survey in England shall be the registrar of the county court of the place, at which the court of survey is held, and his office shall be the office of the registrar of the said county court.

The registrar of a court of survey in Scotland shall be the sheriff clerk of the county in which the court is held, and his office shall be the office of the said sheriff clerk.

The registrar of a court of survey in Ireland shall be the clerk of the peace, or registrar or other person discharging the duties of registrar of the court of the chairman of the county in which the court is held, and his office shall be the office of the clerk of the peace, registrar, or other person aforesaid.

LIST No. 1.

COURTS OF SURVEY IN ENGLAND.

Column No. 1.

Column No. 2.

Court of Survey for	Judges of the Courts of Survey at the places opposite to which their Names occur.
Berwick	The Judges of the County Courts in Circuits 1 and 2. The Recorder of Berwick.
Belford	
Alnwick	
Morpeth	
North Shields	
Newcastle	The Judges of the County Courts in Circuits 1 and 2. The Stipendiary Magistrate at South Shields. The Recorders of Durham and Newcastle.
Gateshead	
South Shields	
Sunderland	
Seaham Harbour	
Hartlepool	The Judges of the County Courts in Circuits 2 and 15. The Stipendiary Magistrate at Middlesborough. The Recorder of Hartlepool.
Stockton	
Stokesley	The Judge of the County Court in Circuit 16. The Stipendiary Magistrate at Hull. The Recorders of Hull and Scarborough.
Whitby	
Scarborough	
Bridlington	
Beverley	
Hedon	The Judges of the County Courts in Circuits 16 and 18.
Hull	
Goole	
Barton-on-Humber	
Great Grimsby	
Louth	The Judge of the County Courts in Circuit 17.
Spilsby	
Boston	
Spalding	
Holbeach	
Wisbeach	The Judge of the County Courts in Circuits 17, 32, and 35.
King's Lynn	
Little Walsingham	
Holt	
North Walsham	
Yarmouth	The Judge of the County Courts in Circuits 32 and 33. The Recorders of Oxford, Norwich, and Yarmouth.
Lowestoft	
Halesworth	The Judge of the County Courts in Circuit 33. The Recorders of Aldborough and Oxford.
Framlingham	
Woodbridge	The Judge of the County Courts in Circuits 33 and 38. The Recorder of Ipswich.
Ipswich	
Harwich	The Judge of the County Courts in Circuit 38. The Recorders of Colchester and Maldon.
Colchester	
Maldon	The Magistrates of the Metropolitan Police Courts.
Rochford	
London	The Judge of the County Courts in Circuit 48. The Stipendiary Magistrate at Sheerness. The Recorders of Faversham and Rochester.
Rochester	
Sheerness	
Sittingbourne	
Faversham	

Column No. 1.

Column No. 2.

Court of Survey for	Judges of the Courts of Survey at the places opposite to which their Names occur.
Canterbury	The Judges of the County Courts in Circuits 48 and 49. The Judge of the Admiralty Court of the Cinque Ports. The Recorders of Canterbury, Deal, Dover, Folkestone, Hythe, Margate, Sandwich, and Tenterden.
Margate	
Ramsgate	
Sandwich	
Deal	
Dover	The Judge of the County Courts in Circuit 50. The Judge of the Admiralty Court of the Cinque Ports. The Recorder of Rye. The Judges of the County Courts in Circuits 50 and 51, The Stipendiary Magistrate at Brighton. The Recorders of Brighton and Seaford.
Folkestone	
Hythe	
Romney	
Rye	
Hastings	The Judge of the County Courts in Circuits 50 and 51. The Stipendiary Magistrate at Brighton. The Recorders of Brighton and Seaford. The Judge of the County Courts in Circuits 50 and 51. The Recorders of Chichester, Portsmouth, and Winchester.
Lewes	
Brighton	
Worthing	
Arundel	
Chichester	The Judges of the County Courts in Circuits 51 and 55. The Recorders of Poole, Southampton, Wareham, and Winchester. The Judge of the County Courts in Circuit 55. The Judge of the County Courts in Circuits 57 and 58. The Recorder of Exeter.
Portsmouth	
Southampton	
Newport, Isle of Wight	
Christchurch	
Poole	The Judge of the County Courts in Circuit 58. The Recorder of Dartmouth. The Judges of the County Courts in Circuits 58 and 59. The Recorders of Devonport, Plymouth, and Tiverton. The Judge of the County Courts in Circuit 59. The Recorders of Falmouth, Helston, and Penzance.
Wareham	
Weymouth	
Bridport	
Axminster	
Honiton	The Judge of the County Courts in Circuit 59. The Recorders of Falmouth, Helston, and Penzance. The Judge of the County Courts in Circuit 57. The Recorders of Barnstaple and Bideford. The Judges of the County Courts in Circuits 54 and 57. The Recorders of Bristol and Wells.
Exeter	
Newton Abbott	
Totnes	
Kingsbridge	
East Stonehouse	The Judges of the County Courts in Circuits 53 and 54. The Judges of the County Courts in Circuits 24 and 54. The Recorder of Gloucester. The Judges of the County Courts in Circuits 24, 30, and 31. The Stipendiary Magistrates at Cardiff and Swansea.
Liskeard	
Saint Austell	
Truro	
Falmouth	
Helston	The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen.
Penzance	
Redruth	
Bodmin	
Camelford	
Holsworthy	The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen.
Bideford	
Barnstaple	
Williton	
Bridgewater	
Weston-super-Mare	The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen.
Wells	
Bristol	
Thornbury	
Dursley	
Gloucester	The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen.
Newnham	
Cleptow	
Newport (Monmouth)	
Cardiff	
Bridgend	The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen.
Neath	
Swansea	
Llanelli	
Carmarthen	
Narbeth	The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen. The Judge of the County Courts in Circuit 31. The Recorder of Carmarthen.
Pembroke	
Haverfordwest	
Cardigan	
Aberystwyth	

"Forms," No. 53—continued.

Column No. 1.

Column No. 2.

Court of Survey for	Judges of the Courts of Survey at the places opposite to which their Names occur.
Aberystwith	The Judge of the County Courts in Circuit 28.
Machynlleth	
Dolgelly	
Portmadoc	
Pwllheli	
Carnarvon	The Judge of the County Courts in Circuit 29. The Recorder of Chester.
Llangefni	
Bangor	
Conway	
St. Asaph	
Holywell	The Judges of the County Courts in Circuits 6 and 7. The Stipendiary Magistrate at Liverpool. The Stipendiary Magistrate at Birkenhead. Judge of Court of Passage. The Recorder of Liverpool.
Chester	
Runcorn	
Birkenhead	
Liverpool	
Ormakirk	The Judges of the County Court in Circuit 6. The Judge of the County Courts in Circuit 4. The Recorder of Preston.
Preston	
Kirkham	
Paulton-le-Fylde	
Lancaster	
Ulverston	The Judge of the County Courts in Circuit 3. The Recorder of Carlisle.
Whitehaven	
Cookermouth	
Wigton	
Carlisle	

LIST No. 2.

COURTS OF SURVEY IN SCOTLAND.

Court of Survey for	Judges of the Courts of Survey at the places opposite to which their Names occur.
Leith	Sheriff and Sheriff Substitutes of Midlothian, Haddington and Linlithgow.
Granton	Sheriff and Sheriff Substitutes of Midlothian, Haddington and Linlithgow.
Borrowstoness	Sheriff and Sheriff Substitutes of Linlithgow and Stirling.
Grangemouth	Sheriff and Sheriff Substitutes of Linlithgow and Stirling.
Alloa	Sheriff and Sheriff Substitutes of Stirling, Clackmannan and Perthshire.
Kirkcaldy	Sheriff and Sheriff Substitutes of Fifeshire and Perthshire.
Dundee	Sheriff and Sheriff Substitutes of Perthshire, Forfarshire and Kincardine.
Arbroath	Sheriff and Sheriff Substitutes of Perthshire, Forfarshire and Kincardine.
Montrose	Sheriff and Sheriff Substitutes of Perthshire, Forfarshire and Kincardine.
Aberdeen	Sheriff and Sheriff Substitutes of Aberdeenshire and Kincardine.
Peterhead	Sheriff and Sheriff Substitutes of Kincardine, Banffshire and Aberdeenshire.
Banff	Sheriff and Sheriff Substitutes of Aberdeenshire, Banffshire and Elgin.
Inverness	Sheriff and Sheriff Substitutes of Nairn, Inverness-shire and Ross.
Wick	Sheriff and Sheriff Substitutes of Caithness and Sutherland.
Campbeltown	Sheriff and Sheriff Substitutes of Argyleshire.
Glasgow	Sheriff and Sheriff Substitutes of Lanarkshire, Renfrewshire and Dumbarton.

Column No. 1.	Column No. 2.
Court of Survey for	Judges of the Courts of Survey at the places opposite to which their Names occur.
Greenock	Sheriff and Sheriff Substitutes of Lanarkshire, Renfrewshire and Ayrshire.
Ardrossan	Sheriff and Sheriff Substitutes of Renfrew and Ayrshire.
Ayr	Sheriff and Sheriff Substitutes of Ayrshire, Renfrewshire and Wigtonshire.
Stranraer	Sheriff and Sheriff Substitutes of Ayrshire, Wigton and Kircudbright.
Wigtown	Sheriff and Sheriff Substitutes of Ayrshire, Wigton and Kircudbright.
Dumfries	Sheriff and Sheriff Substitutes of Dumfries and Kircudbright.

LIST No. 3.
COURTS OF SURVEY IN IRELAND.

Court of Survey for	Judges of the Courts of Survey at the places opposite to which their Names occur.
Dublin	The Recorder of Dublin. Resident Magistrates and Chairman of Quarter Sessions for co. Dublin.
Drogheda	Resident Magistrates and Chairmen of the cos. of Louth and Meath.
Dundalk	Resident Magistrates and Chairman of co. of Louth.
Newry	Resident Magistrates and Chairmen of cos. of Armagh and Down.
Belfast	The Recorder of Belfast. Resident Magistrates and Chairman of Quarter Sessions for co. of Antrim.
Coleraine	Resident Magistrates and Chairman of co. of Londonderry.
Londonderry	The Recorder of Londonderry. Resident Magistrates and Chairman of Quarter Sessions for co. of Londonderry.
Sligo	Resident Magistrates and Chairman of co. of Sligo.
Ballina	Chairman of Quarter Sessions of Co. Mayo. Resident Magistrate.
Westport	Chairman of co. Mayo.
Galway	The Recorder of Galway, Resident Magistrates and Chairman of co. Galway.
Limerick	Resident Magistrates, Chairman of cos. Clare and Limerick.
Tralee	Chairman of co. Kerry.
Skibbereen	Chairman of co. Cork.
Cork	The Recorder of Cork, Resident Magistrates and Chairman of Quarter Sessions. Chairman of co. Cork.
Youghal	Resident Magistrates, Chairman of co. Waterford.
Waterford	Chairman of cos. Wexford and Kilkenny.
New Ross	Resident Magistrate, Chairman of co. Wexford.
Wexford	

APPENDIX B.

The following forms shall be employed, as far as possible, with such alterations as circumstances may require, but no deviation from the prescribed forms shall invalidate the proceedings, unless the judge shall be of opinion that the deviation was material.

No. 1.—*Notice of Appeal.*

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the ship "*Marian*."

To the Registrar of the Court of Survey for

Take notice that I [*name and address*], the master [*or managing owner or owner of shares*] of the ship , of the port of , do appeal

(1) from the report of *L. M.*, the surveyor appointed by the Board of Trade to survey the said ship.

"Forms," No. 53—continued.

or (2) from a declaration given by _____, a shipwright surveyor or engineer, [or from the refusal of _____, a shipwright surveyor or engineer to give a declaration,] under the provisions of section 309 of the Merchant Shipping Act, 1854.

or (3) from the refusal of _____, an emigration officer [or as the case may be], to give a certificate of clearance under sections 11 and 50 of the Passengers Act, 1855.

or (4) from the refusal of _____, appointed by the Board of Trade under the provisions of section 30 of the Merchant Shipping Act Amendment Act, 1862, to give a certificate that the said ship is properly provided with lights and with the means of making fog signals.

The address at which all notices and documents may be served by post or otherwise on me is _____

Dated this _____ day of _____

[To be signed by the appellant.]

No. 2.—Summons to Court.

The Merchant Shipping Acts, 1854 to 1876.

The Court of Survey for _____

In the matter of an appeal by _____ from the report of *L. M.*, the surveyor appointed by the board to survey the "*Marian*" [or as the case may be].

In pursuance of the Merchant Shipping Act, 1876, I hereby summon you to attend as judge [or assessor] on this appeal, at _____ on _____ the _____ day of _____ at the hour of _____ in the _____ noon.

Dated this _____ day of _____ 187 .

_____ Registrar.

I will attend as summoned.

_____ Signature of person summoned.

No. 3.—Notice of Sitting of Court of Survey.

The Merchant Shipping Acts, 1854 to 1876.

The Court of Survey for _____

In the matter of an appeal by _____ from the report of *L. M.*, the surveyor appointed by the Board of Trade to survey the "*Marian*" [or as the case may be].

To *A. B.*, the master [or managing owner, or owner of _____ shares] of the ship _____ the appellant [or the Board of Trade].

Take notice that the court of survey will meet at _____ on _____ the _____ day of _____ 187 , at _____ o'clock in the _____ noon to hear the appeal in the above matter.

Dated this _____ day of _____ 187 .

_____ Registrar.

No. 4.—Order of Court for Release or Detention of Ship.

The Merchant Shipping Acts, 1854 to 1876.

The Court of Survey for _____

In the matter of an appeal by _____ from the report of *L. M.*, the surveyor appointed by the Board of Trade to survey the "*Marian*" [or as the case may be].

I _____ do, with the concurrence of _____, order the said ship to be released or detained, [finally or conditionally upon _____].

Given under my hand this _____ day of _____ 18 .

_____ Judge.

We [or I] concur in the above report,

_____ Assessor.

_____ Assessor.

No. 5.—Report of Judge of Court of Survey.

The Merchant Shipping Acts, 1854 to 1876.

The Court of Survey for _____

In the matter of an appeal by _____ from the report of *L. M.*, the surveyor appointed by the Board of Trade to survey the "*Marian*" [or as the case may be].

FORMS.

ccclxxix

I do report that, having heard this appeal, I did, with the concurrence of order the said ship to be released or detained [finally or conditionally upon] for the reasons set forth in the annexed statement.

I am also of opinion that the costs of this appeal should be paid by *A.B.* to the solicitor of the Board of Trade [or by the solicitor to the Board of Trade to *A.B.*; or that all parties shall pay their own costs].

Dated this day of 18 .

_____ Judge.

We [or I] concur in the above report,

_____ Assessor.

_____ Assessor.

No. 6.—Order for Payment of Costs, or of Costs and Damages.

The Merchant Shipping Acts, 1854 to 1876.

The Court of Survey for

In the matter of an appeal by from
[The parties to this appeal having, by agreement in writing, consented to refer the question whether any costs or costs and damages are due, and to and from whom, to me or us, with liberty to assess the amount thereof] I order

(1) that the Board of Trade do pay to the appellant the sum of for the costs [or the costs and damages] incurred by reason of such detention and survey.

or (2) that the appellant do pay to the solicitor of the Board of Trade the sum of for the costs incurred by reason of the detention and survey of the said ship.

or (3) that each party pays his own costs.

Given under my hand this day of 18 .

_____ Judge.

We [or I] concur in the above order.

_____ Assessor.

_____ Assessor.

APPENDIX C.

	£	s.	d.
On filing notice of appeal, for every 50 tons of the gross registered tonnage of the ship	0	10	0
On filing every affidavit	0	2	6
On entering appearance	0	10	0
On every subpoena	0	2	6
On every statement of the order required to be made by the court	0	10	0
On the production and swearing of every witness.....	0	2	6
On every consent by the parties to refer the question of costs, or of costs and damages, to the court or judge, to be paid by each party	0	10	0
On every hearing, for each day, to be paid by each party, the amount thereof } from	1	0	0
to be at the discretion of the judge } to	5	0	0
On every order whether for the release or detention of the ship, or for payment of costs, or costs and damages, to be paid by the party taking out the order	1	0	0
On every office copy of the judge's judgment or report, of the shorthand writer's notes of the evidence, or of any of the proceedings in the appeal, per folio of 72 words	0	0	6

No. 53A.—Further Rules for Courts of Survey in the United Kingdom (a).

WHEREAS by the 9th section of the Merchant Shipping Act, 1876, it is provided that the lord chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made, revoke, alter, and add to, General Rules to carry into effect the provisions of that act, with respect to a court of survey, and in particular, amongst other things, with respect to the amount and application of the Fees to be received therein :

And whereas it is expedient, with a view to the proper application of the fees to be received in courts of survey, to provide for their collection by means of stamps :

Now, therefore, I, the right honourable Hugh MacCalmont, Baron Cairns, lord high chancellor of Great Britain, with the consent of the Treasury, do order as follows :

1. The fees set forth in Appendix C. to the general rules established for courts of survey in the United Kingdom, bearing date the 29th September, 1876, shall be taken in stamps, to be impressed, so far as may be possible, on the documents to which they refer, such impressed stamps to be obtained from the commissioners of inland revenue in London, or from their stamp distributors.

2. Immediately on the termination of an appeal before a court of survey elsewhere than in London, the registrar of the court shall forward to the registry of the court of survey for London, at Somerset House, London, for deposit therein, all the papers, stamped and unstamped, belonging to the said appeal.

Dated this 11th day of January, 1877.

(Signed) CAIRNS, C.

We approve, so far as relates to fees.

(Signed)
(Signed)

ROW. WINN.
J. D. H. ELPHINSTONE.

No. 54.—General Rules for Formal Investigations into Shipping Casualties, 1878 (b).

WHEREAS by the Merchant Shipping Act, 1876, it is provided that the lord high chancellor of Great Britain may from time to time make, and when made revoke, alter, and add to, General Rules for carrying into effect the enactments relating to formal investigations into shipping casualties :

Now, therefore, I, the right honourable Hugh MacCalmont Baron Cairns, lord high chancellor of Great Britain, do order as follows :

Short Title.

1. These rules may be cited as "The Shipping Casualties Rules, 1878."

Commencement.

2. These rules shall come into operation on the 1st day of October, 1878.

Interpretation.

3. In the construction of these rules the word "judge" shall mean the wreck commissioner, stipendiary magistrate, justices, or other authority empowered to hold a formal investigation into a shipping casualty.

Publication of Rules.

4. These rules shall be published by her Majesty's stationery office through its agents, and a copy shall be kept at every custom house and mercantile marine office in

(a) See M. S. Act, 1876, s. 7.

(b) See M. S. Act, 1876, s. 29.

the United Kingdom, and any person desiring to peruse them there shall be entitled to do so.

Notice of Investigation.

5. When a formal investigation into a shipping casualty has been ordered, the Board of Trade may cause a notice, to be called a Notice of Investigation, to be served upon the owner, master, and officers of the ship, as well as upon any person who may appear to have in any way contributed to the casualty. Form of the notice of investigation will be found in the Appendix No. 1.

Parties.

6. The Board of Trade, and any certificated officer upon whom a notice of investigation has been served, shall be deemed to be parties to the proceedings.

7. Any other person upon whom a notice of investigation has been served, and any person who shows that he has an interest in the investigation, shall have a right to appear, and shall thereupon become a party to the proceedings.

8. Any other person may, by permission of the judge, appear, and shall thereupon become a party to the proceedings.

Notice to produce.

9. A party may give to any other party notice in writing to produce any documents (saving all just exceptions) relating to the matters in difference between them, and which are in the possession or under the control of such other party; and if the notice is not complied with, secondary evidence of the contents of the documents may be given by the party who gave the notice.

Notice to admit.

10. A party may give to any other party notice in writing to admit any documents (saving all just exceptions); and in case of neglect or refusal to admit after such notice, the party so neglecting or refusing shall be liable for all the costs of proving the documents, whatever may be the result, unless the court is of opinion that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice has, in the opinion of the officer by whom the costs are taxed, been a saving of expense.

Witnesses.

11. The wreck commissioner may issue subpoenas for the attendance of witnesses either before himself or before any other judge, and such subpoenas shall be as nearly as possible in the form used in the High Court of Justice, and may be served, and shall have effect, in any part of the United Kingdom.

Affidavits.

12. Affidavits may, by permission of the judge, be used as evidence at the hearing, when sworn to in any of the following ways, viz.:—

14. In the United Kingdom, before the judge, or before a person authorized to administer oaths in the Supreme Court of Judicature, or before a stipendiary magistrate, or before a justice of the peace for the county or place where it is sworn or made.

In any place in the British dominions out of the United Kingdom, before any court, judge, or justice of the peace, or any person authorized to administer oaths in any court in that place.

15. In any place out of the British dominions, before a British minister, consul, vice-consul, or notary public, or before a judge or magistrate, whose signature is authenticated by the official seal of the court to which such judge or magistrate is attached.

Proceedings in Court.

13. At the time and place appointed for holding the investigation, the court may proceed to hear and adjudicate upon the case, whether the parties, upon whom a notice of investigation has been served, or any of them, are present or not.

14. The Board of Trade shall first produce any witnesses whom they may wish to examine, and who can give material evidence in regard to the casualty, whether they were or were not on board the ship at the time.

15. The witnesses shall be cross-examined by the parties in such order as the judge may direct, and may be re-examined by the Board of Trade.

16. On the completion of their examination, the Board of Trade shall state in open court upon what questions in reference to the causes of the casualty, and the conduct of

"Forms," No. 54—continued.

any persons connected therewith, they desire the opinion of the court; and if any person whose conduct is in question is a certificated officer, they shall also state in open court whether in their opinion his certificate should be dealt with.

17. The Board of Trade and any other party may thereupon produce further witnesses, who shall be examined, cross-examined, and re-examined in such order as the judge may direct.

18. When the whole of the evidence is concluded, the parties shall be heard in such order as the judge may direct, and the Board of Trade shall be heard in reply.

19. The judge may adjourn the court from time to time, and from place to place, as he may think fit.

20. Except when the certificate of an officer is cancelled or suspended, in which case the decision shall always be given in open court, the judge may deliver the decision of the court either *viva voce* or in writing; and, if in writing, it may be sent or delivered to the respective parties, and it shall not be necessary to hold a court merely for the purpose of giving the decision.

21. The judge may, if he thinks fit, order the costs and expenses of the proceedings, or any part thereof, to be paid by either the Board of Trade, or by any other party to the proceedings. Form of order for payment of costs will be found in the Appendix No. 2.

22. At the conclusion of the case the judge shall report to the Board of Trade. Form of the report will be found in the Appendix No. 3.

Computation of Time.

23. In computing the number of days within which any act is to be done, they shall be reckoned exclusive of the first day and inclusive of the last day, unless the last day shall happen to fall on a Sunday, Christmas-day, or Good Friday, or on a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusive of that day also.

Service of Notices, &c.

24. Any notice, summons, or other document issuing out of the court may be served by post.

25. The service of any notice, summons, or other document may be proved by the oath or affidavit of the person by whom it was served.

Repealing Clause.

26. The Shipping Casualties Rules, 1876, except as to the cases in which an order for a formal investigation shall have been made previous to the 1st day of October, 1878, are hereby revoked.

CAIRNS, C.

Dated this 28th day of July, 1878.

APPENDIX.

The following forms shall be used, as far as possible, with such alterations as circumstances may require, but no deviation from the prescribed forms shall invalidate the proceedings, unless the judge shall be of opinion that the deviation was material.

No. 1.—Notice of Investigation.

To master, mate, engineer, owner, &c. of or belonging to the ship of
I hereby give you notice that the Board of Trade have ordered a formal investigation to be held into the circumstances attending the , and that subjoined hereto is a copy of the report [or statement of the case], upon which the said investigation has been ordered. I further give you notice to produce to the court [your Board of Trade certificate, the log books of the vessel, and] any [other] documents relevant to this case which may be in your possession.

Dated this day of 18 .

Solicitor, Board of Trade.

Copy report (or statement of case).

No. 2.—*Order on a party for Payment of Costs of Investigation.*

In the matter of a formal investigation held at _____ on the (here state all the days on which
the court sat) days of _____ before _____ assisted by _____ into the circumstances attending
the _____

The court orders—

(1) that A.B. of _____ do pay to the solicitor to the Board of Trade [the sum of
pounds on account of] the expenses of this investigation.
or (2) that the Board of Trade do pay to A.B. of _____ [the sum of _____ pounds on
account of] the expenses of this investigation.

Given under my hand this _____ day of _____ 18 .

_____ Judge.

No. 3.—*Report of Court.*

In the matter of a formal investigation held at _____ on the (here state all the days on which
the court sat) days of _____ before _____ assisted by _____ into the circumstances attending
the _____

The court, having carefully inquired into the circumstances attending the above-mentioned
shipping casualty, finds, for the reasons stated in the annex hereto, that the (here state finding
of the court).

Dated this _____ day of _____ 18 .

_____ Judge.

We [or I] concur in the above report,

_____ Assessor.
_____ Assessor.

Annex to the Report.

(Here state fully the circumstances of the case, the opinion of the court touching the causes of the
casualty, and the conduct of any persons implicated therein, and whether the certificate of any officer is
to be either suspended or cancelled, and if so for what reasons.)

No. 55.—General Table of Fees charged at Mercantile Marine Offices under the authority of the Board of Trade (January, 1879).

[See note (c), p. ccccxxxvii.]

ON SURVEYS, &c.

SURVEYS OF STEAM SHIPS FOR PASSENGER CERTIFICATES.												
Note.—In all cases of the Survey of a new Steam Ship, or of a Steam Ship coming under Survey for a Passenger Certificate for the first time, the full fee for Twelve Months must be paid. In any case of an Incomplete Declaration, a Fee of not less than Three Months will be charged.												
Net Register Tonnage not exceeding	Months.											
	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.		
100	£ 5. 0. 0	£ 6. 8. 0	£ 8. 4. 0	£ 10. 0. 0	£ 11. 6. 8	£ 13. 4. 0	£ 15. 0. 0	£ 16. 8. 0	£ 18. 4. 0	£ 20. 0. 0	£ 21. 6. 8	£ 23. 4. 0
300	£ 10. 0. 0	£ 12. 0. 0	£ 14. 0. 0	£ 16. 0. 0	£ 18. 0. 0	£ 20. 0. 0	£ 22. 0. 0	£ 24. 0. 0	£ 26. 0. 0	£ 28. 0. 0	£ 30. 0. 0	£ 32. 0. 0
500	£ 15. 0. 0	£ 18. 0. 0	£ 21. 0. 0	£ 24. 0. 0	£ 27. 0. 0	£ 30. 0. 0	£ 33. 0. 0	£ 36. 0. 0	£ 39. 0. 0	£ 42. 0. 0	£ 45. 0. 0	£ 48. 0. 0
1,000	£ 20. 0. 0	£ 24. 0. 0	£ 28. 0. 0	£ 32. 0. 0	£ 36. 0. 0	£ 40. 0. 0	£ 44. 0. 0	£ 48. 0. 0	£ 52. 0. 0	£ 56. 0. 0	£ 60. 0. 0	£ 64. 0. 0
1,500	£ 25. 0. 0	£ 30. 0. 0	£ 35. 0. 0	£ 40. 0. 0	£ 45. 0. 0	£ 50. 0. 0	£ 55. 0. 0	£ 60. 0. 0	£ 65. 0. 0	£ 70. 0. 0	£ 75. 0. 0	£ 80. 0. 0
2,000	£ 30. 0. 0	£ 36. 0. 0	£ 42. 0. 0	£ 48. 0. 0	£ 54. 0. 0	£ 60. 0. 0	£ 66. 0. 0	£ 72. 0. 0	£ 78. 0. 0	£ 84. 0. 0	£ 90. 0. 0	£ 96. 0. 0
2,400	£ 35. 0. 0	£ 42. 0. 0	£ 49. 0. 0	£ 56. 0. 0	£ 63. 0. 0	£ 70. 0. 0	£ 77. 0. 0	£ 84. 0. 0	£ 91. 0. 0	£ 98. 0. 0	£ 105. 0. 0	£ 112. 0. 0
2,700	£ 40. 0. 0	£ 48. 0. 0	£ 56. 0. 0	£ 64. 0. 0	£ 72. 0. 0	£ 80. 0. 0	£ 88. 0. 0	£ 96. 0. 0	£ 104. 0. 0	£ 112. 0. 0	£ 120. 0. 0	£ 128. 0. 0
3,000	£ 45. 0. 0	£ 54. 0. 0	£ 63. 0. 0	£ 72. 0. 0	£ 81. 0. 0	£ 90. 0. 0	£ 99. 0. 0	£ 108. 0. 0	£ 117. 0. 0	£ 126. 0. 0	£ 135. 0. 0	£ 144. 0. 0
Every additional 300	£ 10. 0. 0	£ 12. 0. 0	£ 14. 0. 0	£ 16. 0. 0	£ 18. 0. 0	£ 20. 0. 0	£ 22. 0. 0	£ 24. 0. 0	£ 26. 0. 0	£ 28. 0. 0	£ 30. 0. 0	£ 32. 0. 0

MEASUREMENT OF TONNAGE.						
Gross Register Tonnage under	Full Fee (Rule I.)	Vessel measured under Rule II. (4th of Fee, but not less than 10c.)	Vessel previously measured under Rule II re-measured under Rule I.	Re-measurement in consequence of Alteration on Upper Deck or Engine Room. (4th of Fee, but not less than 10c.)	Foreign Vessels holding Certificates of British Tonnage.	For Special Seas Canal or River Dredge Certificate.
50	£ 1. 0. 0	£ 1. 0. 0	£ 1. 0. 0	£ 1. 0. 0	£ 1. 0. 0	£ 1. 0. 0
100	£ 1. 10. 0	£ 1. 10. 0	£ 1. 10. 0	£ 1. 10. 0	£ 1. 10. 0	£ 1. 10. 0
200	£ 2. 0. 0	£ 2. 0. 0	£ 2. 0. 0	£ 2. 0. 0	£ 2. 0. 0	£ 2. 0. 0
500	£ 3. 0. 0	£ 3. 0. 0	£ 3. 0. 0	£ 3. 0. 0	£ 3. 0. 0	£ 3. 0. 0
800	£ 4. 0. 0	£ 4. 0. 0	£ 4. 0. 0	£ 4. 0. 0	£ 4. 0. 0	£ 4. 0. 0
1,200	£ 5. 0. 0	£ 5. 0. 0	£ 5. 0. 0	£ 5. 0. 0	£ 5. 0. 0	£ 5. 0. 0
2,000	£ 7. 0. 0	£ 7. 0. 0	£ 7. 0. 0	£ 7. 0. 0	£ 7. 0. 0	£ 7. 0. 0
3,000	£ 8. 0. 0	£ 8. 0. 0	£ 8. 0. 0	£ 8. 0. 0	£ 8. 0. 0	£ 8. 0. 0
4,000	£ 9. 0. 0	£ 9. 0. 0	£ 9. 0. 0	£ 9. 0. 0	£ 9. 0. 0	£ 9. 0. 0
5,000	£ 10. 0. 0	£ 10. 0. 0	£ 10. 0. 0	£ 10. 0. 0	£ 10. 0. 0	£ 10. 0. 0
Upwards						

All Minor Inspections on Registry.

Vessel registered before Act of 1864.

7s. 6d. for each transverse section.

No fee, if in possession of a British Tonnage Certificate, if not, the full fee, and in all cases a deposit of 1l. to cover expenses incurred must be paid.

II. must be paid.

UNDER PASSENGERS ACTS.				CREW SPACES.		LIGHTS AND FOG SIGNALS.		MARKINGS.		CHANGE OF NAME.		
Ordinary (Including Two visits in vicinity of Docks for Distilling Apparatus.)	Special.	Extra Special.	Medical Inspection of Passengers and Crew. For every 100 Persons or Fraction of 100.		No Fee is charged if inspected on Measurement or Survey for Re-registry.		No Fee is charged if inspected on Measurement of Crew Spaces, or Survey for Re-registry.		No Fee if Vessel is about to be registered or re-registered, or if inspected when measured.		Inspection of Drawings or Tracings of Bollers.	CHANGE OF NAME.
			First Examination.	Second Examination before Clearance.	First Two Visits.		First Two Visits.		First Visit.	Each Set.			Prior to Survey.	Before Authority is issued.
£3 Half fee only to be charged if Vessel has a Passenger Certificate.	£4	£5 and upwards.	£1	10s.	10s. each.	10s. each.	10s. each.	10s.	£2	According to scale for 12 months' Passenger Certificate, see above.	£2	
VESSELS ALLEGED TO BE UNSEAWORTHY.				OVERLOADING.		EXTRA OFFICIAL HOURS.*						
Prior to Re-registration under Sect. 6 of M. S. Act, 1873.	Before Transfer to a Foreign Flag.	When Vessel proves to be Unseaworthy. (Not payable in advance.)	When Survey is made by direction of a Magistrate.		For each Surveyor's attendance on							
			If a Board of Trade Surveyor.	If not.	Week Days.				Sundays.			
					Tons under.	Fee.	Tons under.	Fee.	8 a.m. to 10 a.m. and 4 p.m. to 6 p.m.	6 a.m. to 8 a.m. and 6 p.m. to 8 p.m.	Before 6 a.m. and after 8 p.m.	
According to scale for 12 months' Passenger Certificate, see above.	£4 (Including Surveyor's Expenses).	According to scale for 12 months' Passenger Certificate, see above.	Tons under.	Fee.	Tons under.	Fee.	£1 per hour.	£2 per hour.	£4 per hour.	£4 per hour.		
			500	£ 4	500	£ 4						
			750	2 0	750	3 0						
			1,000	2 10	1,000	4 0						
			Upwards	3 0	Upwards	5 0						

* N.B.—The Office hours are from 10 a.m. to 4 p.m. A service occupying less than an hour should be charged for as an hour. For services exceeding an hour, a quarter fee should be charged for each additional quarter of an hour. In all cases the expenses incurred require to be paid in addition to the fee (unless specially covered thereby). When a Medical Inspector is required to perform services out of office hours, a special fee of £1 on week days, and £2 on Sundays, is to be charged in addition to the overtime fee above mentioned. This special fee is to cover the whole of the time occupied by the Medical Inspection.

"Forms," No. 55—continued.

ON RENEWALS OF CERTIFICATES, &c.

Certificate of Discharge. (Da. 1.)	CERTIFICATE OF CONFERENCE OR SERVICE.		Seaman's Savings Bank Pass Book.	R. N. B. Certificate (Rv. 2.)	Apprentice's Indenture.	Certificate of British Tonnage.	Certificate of Deposit of any Document.	Reference to any Record.	EXTRACT FROM ANY BOOK OR PAPER.		N. B.—No charge is to be made for inquiries by widows or persons in humble circumstances.
	Master or First Class Engineer.	Mate or Second Class Engineer.							Under Three Folios of 73 Words each.	Above Three Folios.	
1s.	5s.	2s. 6d.	2s. 6d.	2s. 6d.	4s.	2s. 6d.	2s.	1s.	2s.	8d. per folio.	

If the loss proves to be through fire or wreck no fee is charged.

ON INSPECTION OF LIME JUICE, &c.

Lime Juice (each Oast).	Spirits, if inspected at the same time.	Spirits only (each Oast).
5s.	No charge.	5s.

ON APPRENTICESHIPS.

For each Indenture of Apprenticeship completed with the Superintendent's certificate.	
	5s.

BOARD OF TRADE, Marine Department.

625 All Board of Trade officials are distinctly prohibited from demanding or receiving any Remuneration or Gratuity whatever, either directly or indirectly, for or in respect of any services rendered by them to the Owners or Masters of Ships in facilitating the transaction of their official business, or for hiring or procuring Seamen, excepting the lawful fees payable under the Merchant Shipping Acts. All fees and expenses are to be paid to the Superintendent or Deputy Superintendent of a Mercantile Marine Office, and to no other person (a).

(a) See M. S. Act, 1873, s. 30, and M. S. Act, 1876, s. 39. [For the fees charged in respect of the engagement and discharge of seamen and crews, see M. S. Act, 1864, s. 125, and Schedule Table P.; and note (a) to that Table, and note "Forms," No. 21. Since the sheet in which the M. S. Act, 1864, Schedule Table P. is contained was printed off, the Board of Trade have announced that, "Upon proof that four engagements and four discharge fees have been paid for the same vessel in one year (commencing 1st January), no further fees should be charged during that year." For the fees charged on examination for certificates, see M. S. Act, 1864, s. 133, and Schedule Table R., the M. S. Act, 1862, s. 7, and Schedule Table B., and note "Forms," No. 23. The following alterations have recently been made by the Board of Trade with respect to the fees charged on examinations, and "Forms," No. 23 requires to be altered accordingly: A fee of 10s. is now payable on examination for a second mate's certificate of competence, in cases where the candidate is in possession of a certificate of an inferior grade, whilst the fees in respect of examinations for certificates for fore and aft-rigged vessels are the same, according to the grade of certificate applied for, as those stated in Columns 2 or 3 of "Forms," No. 23.]

No. 56.—Deposition before Receiver of Wreck. (See M. S. Act, 1854, s. 448.)

WR. 2.

ISSUED BY THE
BOARD OF TRADE,
JANUARY, 1875.**EXAMINATION ON OATH**
INSTITUTED BY THE RECEIVER OF WRECK
At the Port of .*In pursuance of the 448th Section of the Merchant Shipping Act, 1854
(17 & 18 Vict. c. 104).*

1. Names of deponent at full length.
 2. State whether deponent is "master," "mate," &c. of the ship; the name of the ship; and particulars as to her tonnage and official number.
If the ship is a steam ship, the fact should be stated, as well as the nominal horse power of the engines, and whether paddle or screw.
 3. Names and residence of owners.
 4. Particulars of rig, build, age and class of ship.
 5. Particulars as to the number of hands composing crew, and of the certificates of the master, mates and engineers.
 6. Particulars of cargo, and shippers and consignees.
 7. Number of passengers on board.
NOTE.—If the wife and children of the master or of any officer of the ship are on board, the fact should be stated.
 8. Date and state of weather at time of sailing.
 9. Any statement as to the condition of hull and cargo of the ship, or of her equipments, &c. at the time of sailing.
 10. Limits of intended voyage.
 11. Statement as to the voyage previously to the casualty.
 12. Particulars of the occasion of distress of the ship, commencing with the date and hour, and the state of the tide, wind, weather and sea.
 13. Statements respecting services rendered, if any.
 14. Such other matters or circumstances relating to the ship or cargo on board the same as the receiver or justice thinks necessary.
 15. Loss on ship and cargo, and amount of insurance on ship, cargo and freight.
1. being duly sworn, deposes as follows: namely,
 2. That he of the ship of the port of register tonnage of tons, her official number being .
 3. That the said ship owned by residing at in the of .
 4. That the said ship rigged as a , that she was built of at in the year , and that she classed in as years.
 5. That the crew consist of hands, including deponent, that the deponent's certificate is a certificate of , and is numbered .
 6. That the said ship had on board a cargo of of the weight of tons, shipped by of and consigned to .
 7. That the said ship had on board in addition to the cargo aforesaid passengers.
 8. That the said ship proceeded from on her intended voyage as named below, on the day of last past, at ; the tide at the time being , the weather , and the wind blowing from the .
 9. That at the time of sailing as above the said ship was
 10. That the said ship was bound for in .
 11. That the said ship proceeded on her said intended voyage as above stated
 12. That on the day of at m.; the tide at the time being , the weather , and the wind in the blowing , with a sea from the , the said ship
 13. That
 14. That
 15. That the loss on the said ship is estimated by at pounds sterling, and on the said cargo at pounds sterling, and that the ship was insured in the sum of pounds sterling, the cargo in pounds sterling, and the freight in pounds sterling.

"Forms," No. 56—continued.

16. Particulars of lives lost and saved, &c.

16. That in consequence of the the said ship lives were lost by , the remainder in all, viz., master crew,* and passengers, being saved by , and subsisted on board that vessel from the to the , when they were landed at . The following provisions, valued at , were transferred from the wreck to the salving vessel

Cause of the casualty, &c.

That, in my opinion, the cause of the casualty was , and it might have been avoided by _____

17. That the above contents are in all respects correct and true to the best of deponent's knowledge and belief.

— Deponent.

Sworn at this day of 18 ,
before me,

Receiver of Wreck.†
Justice of the Peace.†

* In the number of the crew should be included all officers except the master.

† Obliterate the words that do not apply.

[On the back of this Form is the following Indorsement :—]

WR. 2.

District of .

Name of Ship.	Port.

Date of Casualty.	Date when Deposition taken.	Date when Copy sent to Board of Trade and to Lloyd's.	Amount charged.	
			Fee.	Expenses.

ORDERS IN COUNCIL.

ORDERS IN COUNCIL *relating to Colonial Certificates of Competency for Masters, Mates, and Engineers (a).*

At the Court at Windsor, the 27th day of June, 1876 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the " Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted, that—*[Here follows a recital of the Merchant Shipping (Colonial) Act, 1869 (32 Vict. c. 11), s. 8.]*

Certificates
of competency
(Bengal).

And whereas the governor-general of India in Council has by an act, entitled " An Act for the Amendment of the Law relating to Merchant Seamen, No. 1 of 1859," and the lieutenant-governor of Bengal in Council has by an act, entitled " The Steam Boat Survey Amendment Act of 1868," provided for the examination of and grant of certificates of competency for foreign ships to persons intending to act as masters, mates, or engineers on board British ships, which certificates are herein-after denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied that the said examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the acts relating to merchant shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said acts, and are liable to be forfeited for the like reasons and in the like manner:

Now, therefore, her Majesty, in exercise of the powers vested in her by the said first recited act, by and with the advice and consent of her Privy Council, is pleased,—

1. To declare that the said colonial certificates of competency granted by the lieutenant-governor of the said British possession of Bengal shall be of the same force as if they had been granted under the said acts.

2. To declare that all the provisions of the said acts which relate to certificates of competency for the foreign trade granted under those acts, except so much of the 139th section of the Merchant Shipping Act, 1854, and the 10th section of the Merchant Shipping Amendment Act, 1862, as requires the delivery by the Board of Trade to any master, mate, or engineer of a copy of any certificate to which he appears to be entitled as therein mentioned, so much of the third paragraph of the 23rd section of the said last-mentioned act as requires, at the conclusion of a case relating to the cancelling or suspending of a certificate, such certificate, if cancelled or suspended, to be forwarded to the Board of Trade, and the whole of the provisions of the fourth paragraph of the same section shall apply to such colonial certificates of competency.

3. To impose and make the conditions and regulations following, numbered 1 to 10 respectively, with respect to the said colonial certificates of competency, and to the use, issue, delivery, cancellation, and suspension

(a) See the M. S. (Colonial) Act, 1869, 32 Vict. c. 11, s. 8.

Certificates of competency (Bengal), thereof, and to impose for the breach of such conditions and regulations the penalties therein mentioned.

Form of Certificate.

1. Every such colonial certificate of competency shall be on parchment, and as nearly as possible similar in shape and form to the corresponding certificate of competency for the foreign trade granted by the Board of Trade under the acts relating to merchant shipping.

Name of Possession to be inserted.

2. Every such colonial certificate of competency shall have the name of the said possession of Bengal inserted prominently on its face and back.

Certificates to be numbered consecutively.

3. Such colonial certificates of competency shall be numbered in consecutive order.

Lists of Certificates granted, cancelled, &c., to be sent to Registrar-General of Seamen.

4. The government of the said possession shall furnish the registrar-general of seamen in London, from time to time, with accurate lists of all such colonial certificates of competency as may be granted by the lieutenant-governor of the said possession as aforesaid, or as may for any cause whatsoever be cancelled, suspended, renewed, or re-issued, and shall also furnish him with duplicates of the applications for examination made by the persons to whom such certificates are granted.

Three Years' Domicile or Service necessary.

5. Such colonial certificates of competency shall be granted only to any person who, for a period of three years immediately preceding his application for such colonial certificate, or for several periods amounting together to three years, the earliest of which shall have commenced within five years prior to such application, has been domiciled in, or has served in a ship or ships registered in any part of her Majesty's Indian dominions.

Certificates of competency granted contrary to this regulation shall be regarded as improperly granted.

Certificates not to be granted when former are cancelled.

6. Such colonial certificates of competency shall not be granted to any person who may have had a certificate, whether granted by the Board of Trade or by the government of a British possession, cancelled or suspended under the provisions of the said acts, or of any act for the time being in force in any part of her Majesty's dominions, unless the period of suspension has expired, or unless intimation has been received from the Board of Trade, or the government by whom the cancelled or suspended certificate was originally granted, to the effect that no objection to the grant of such colonial certificate is known to exist, or unless a new certificate has been granted to him by such board or government; and in the last-named event no such colonial certificate of competency shall be for a higher grade than the certificate so last granted as aforesaid.

Colonial certificates of competency granted contrary to this regulation shall be regarded as improperly granted.

Certificates improperly granted may be cancelled without formal Investigation.

7. Any such colonial certificate of competency which appears from information subsequently acquired, or otherwise, to have been improperly granted, whether in the above or in any other respect, may be cancelled by the lieutenant-governor of the said possession, or by the Board of Trade in the United Kingdom, without any formal investigation, under "The Merchant Shipping Act, 1854," and the holder of such certificate shall thereupon deliver it to the Board of Trade or the lieutenant-governor of the said possession, or as they or either of them may direct, and in default thereof shall incur a penalty not exceeding fifty pounds in the United Kingdom, or five hundred rupees in India, which shall be recoverable in the same manner as penalties imposed by the acts relating to merchant shipping are thereby made recoverable.

Cancellation, &c., of a Certificate shall involve Cancellation of all the other Certificates possessed by its Owner.

**Certificates
of competency
(Bengal).**

8. Every decision with respect to the cancellation or suspension of a certificate pronounced by any board, naval or other court, or tribunal under the provisions of the said acts, shall extend equally to all the colonial certificates at the time possessed by the person in respect of whom the decision is made, as well as to all certificates granted to him under any of the acts relating to merchant shipping, and whether such certificates be specified in such decision or not.

Certificates believed to be Fraudulent may be demanded.

9. Any officer of the Board of Trade, or the registrar-general of seamen, or any of his officers, or a superintendent of a mercantile marine office, or a consular officer, or duly appointed shipping officer in a British possession, may demand the delivery to him of any such colonial certificate of competency which he has reason to believe has been improperly issued, or is forged, altered, cancelled, or suspended, or to which the person using it is not justly entitled, and may detain such certificate for a reasonable period for the purpose of making inquiries respecting such issue, forgery, alteration, cancellation, suspension, or possession, and any person who, without reasonable cause, neglects or refuses to comply with such demand, shall incur a penalty not exceeding twenty pounds or two hundred rupees, which shall be recoverable in the same manner as penalties imposed by the acts relating to merchant shipping are thereby made recoverable.

Suspended Certificates to be re-issued only by Colony by which originally granted.

10. Any such colonial certificate of competency which has from any cause been cancelled or suspended, whether by a tribunal in Bengal or elsewhere, shall be renewed or re-issued only by the lieutenant-governor of Bengal.

This Order shall take effect in the said possession of Bengal from and after the date hereof.

At the Court at Windsor, the 11th day of July, 1877:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the "Merchant Shipping (Colonial) Act, 1869," it is among other things enacted, that—*[Here follows a recital of the 32 Vict. c. 11, s. 8.]*

**Certificates
of competency
(Bombay).**

And whereas the governor-general of India in Council has by an act entitled "An Act for the Amendment of the Law relating to Merchant Seamen, No. 1 of 1859," and the governor of Bombay in Council has, by an act entitled "An Act to amend Bombay Act No. 2 of 1864, provided for the Periodical Survey of Steam Vessels, and to provide for the Examination of Engineers of Steam Vessels, No. 4 of 1873," provided in the presidency of Bombay for the examination of and grant of certificates of competency for foreign ships to persons intending to act as masters, mates, or engineers on board British ships, which certificates are hereinafter denominated certificates of competency; and the Board of Trade have reported to her Majesty that they are satisfied, &c.:

Now therefore her Majesty, in exercise of the powers vested in her by the said first recited act, by and with the advice and consent of her Privy Council, is pleased—

1. To declare that the said colonial certificates of competency granted by the governor of the said British possession of Bombay, shall be of the same force as if they had been granted under the said acts.

2. To declare that—*[The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to the grant of colonial certificates of competency by the lieutenant-governor of Bengal, supra, p. 1.]*

**Certificates
of competency
(Canada).**

At the Court at Balmoral, the 19th day of August, 1871:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping (Colonial) Act, 1869," it is among other things enacted, that—[*Here follows a recital of the 32 Vict. c. 11, s. 8.*]

And whereas the legislature of the British possession of Canada has provided for the examination of and grant by the minister of marine and fisheries in the said possession of certificates of competency for sea-going ships to persons intending to act as masters or mates on board British sea-going ships, which certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied, &c.:

Now therefore, her Majesty, in exercise of the power vested in her by the said recited act, by and with the advice of her Privy Council, is pleased:

- (1.) To declare that the said colonial certificates of competency granted by the minister of marine and fisheries in the said possession of Canada shall be of the same force as if they had been granted under the said acts, that is to say, the said colonial certificates of competency as masters of such sea-going ships shall be of the same force as if they were certificates of competency as masters of foreign-going ships, granted under the said acts, and the said colonial certificates of competency as mates of such sea-going ships shall be of the same force as if they were certificates of competency as first mates of foreign-going ships granted under the said acts.
- (2.) To declare that all the provisions of the said acts which relate to certificates of competency for the foreign trade granted under those acts, except the 139th section of "The Merchant Shipping Act, 1854," and so much of the third paragraph of the 23rd section of "The Merchant Shipping Act Amendment Act, 1862," as requires at the conclusion of a case relating to the cancelling or suspending of a certificate, such certificate, if cancelled or suspended, to be forwarded to the Board of Trade, and the whole of the fourth paragraph of the same section shall apply to such colonial certificates of competency.
- (3.) To impose and make the conditions and regulations following, numbered 1 to 10 respectively, with respect to the said colonial certificates of competency, and to the use, issue, delivery, cancellation, and suspension thereof, and to impose for the breach of such conditions and regulations the penalties therein mentioned.

[*Here follow certain conditions and regulations, numbered 1 to 4, which, mutatis mutandis, are the same as the corresponding conditions and regulations numbered 1 to 4 in the Order relating to the grant of colonial certificates of competency by the lieutenant-governor of Bengal, supra, p. 1.*]

5. Such colonial certificates of competency shall be granted only to persons who have been domiciled in the said possession, or who have served in ships registered therein, for a period of, or for periods amounting to, at least three years immediately preceding their application for such colonial certificates. Certificates of competency granted contrary to this regulation shall be regarded as improperly granted.

[*The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to colonial certificates of competency granted by the lieutenant-governor of Bengal, supra, p. 1.*]

At the Court at Windsor, the 12th day of May, 1874:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping (Colonial) Act, 1869," it is among other things enacted, that—[*Here follows a recital of the 32 Vict. c. 11, s. 8.*]

And whereas the legislature of the British possession of the island of Malta and its dependencies, has in pursuance of the amended Ordinance No. 2 of 1873, enacted by the governor of Malta, with the advice and consent of the council of government, and assented to the 30th January, 1874, provided for the examination of, and grant of warrants or certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, that is to say:—To masters of the first class or master for a foreign-going ship, to mates of the first class or first mate for a foreign-going ship, to mates of the second class or second mate for a foreign-going ship, to engineers of the first class or first class engineers, and to engineers of the second class or second class engineers, which warrants or certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied, &c.:

Now therefore, her Majesty, in exercise of the power vested in her by the said recited act, by and with the advice of her Privy Council, is pleased,

(1.) To declare that the said colonial certificates of competency granted by the head of the government of the said possession of Malta and its dependencies, in pursuance of the said amended ordinance, so assented to as aforesaid, shall be of the same force as if they had been granted under the said acts.

(2.) [*This paragraph is in terms the same as the corresponding paragraph of the Order relating to the grant of certificates of competency by the lieutenant-governor of Bengal, supra, p. 1.*]

[*The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to the granting of certificates of competency by the minister of marine and fisheries in Canada, supra, p. 4.*]

Certificates
of competency
(Malta).

At the Court at Windsor, the 14th day of May, 1877:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted, that—[*Here follows a recital of the 32 Vict. c. 11, s. 8.*]

And whereas the legislature of the British possession of Newfoundland have provided for the examination of and grant of certificates of competency for foreign ships to persons intending to act as masters and mates on board British ships, which certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied, &c.

Now, therefore, her Majesty, in exercise of the powers vested in her by the said first recited act, by and with the advice and consent of her Privy Council, is pleased,—

1. To declare that the said colonial certificates of competency granted by the governor of the said British possession of Newfoundland shall be of the same force as if they had been granted under the said acts.

2. To declare that—[*The remainder of the Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to the grant of colonial certificates of competency by the head of the government of Malta, supra.*]

Certificates
of competency
(Newfound-
land).

Certificates
of competency
(New South
Wales).

At the Court at Windsor, the 12th day of February, 1876:

Present.—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted, that—[*Here follows a recital of the 32 Vict. c. 11, s. 8.*]

And whereas the legislature of the British possession of New South Wales have provided for the examination of and grant of certificates of competency for foreign-going ships to persons intending to act as masters, first mates, or second mates, or as first-class engineers, or second-class engineers, on board British ships, which certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied, &c.:

And whereas her Majesty, by Order in Council dated the thirtieth day of August, 1873, has been pleased to declare that (subject to certain conditions and regulations therein contained) the said colonial certificates of competency granted by the marine board of the said possession of New South Wales shall be of the same force as if they had been granted under the said acts relating to merchant shipping:

And whereas by the condition or regulation numbered five, contained in the said recited Order in Council, it is provided that such colonial certificates of competency shall be granted only to persons who have been domiciled in the possession of New South Wales, or who have served in ships registered therein, for a period of, or for periods amounting to at least three years immediately preceding their application for such colonial certificates, and that certificates of competency granted contrary to this regulation shall be regarded as improperly granted:

And whereas it has been represented to her Majesty in Council, that the provisions of the said fifth condition or regulation in the said recited Order in Council of the thirtieth day of August, 1873, should be modified and amended so as to admit of domicile in or service in ships registered in any of the following Australasian colonies; viz. the colonies on the continent of Australia, and New Zealand, and Tasmania, forming part of the three years domicile required under the said condition or regulation:

And whereas it has been made to appear to her Majesty that such modification and amendment are expedient, and that the said recited Order in Council should be revoked, and a new Order in Council, modified and amended in manner aforesaid, substituted in lieu thereof:

Now, therefore, her Majesty, by and with the advice and consent of her Privy Council, doth hereby direct, that from and after the 1st day of April, 1876, the said recited Order in Council of the 30th day of August, 1873, shall be, and the same is hereby revoked, provided, however, that the revocation of the said Order in Council shall not affect or invalidate any colonial certificates of competency granted thereunder prior to the said 1st day of April, 1876, and subsisting at that date.

And her Majesty is further pleased—

(1.) To declare that the said colonial certificates of competency granted by the marine board of the said possession of New South Wales shall be of the same force as if they had been granted under the said acts.

(2.) [*This paragraph is the same in terms as the corresponding paragraph of the Order relating to the grant of colonial certificates of competency by the lieutenant-governor of Bengal, supra, p. 1.*]

(3.) To impose and make the conditions and regulations following, numbered 1 to 10 respectively, with respect to the said colonial certificates of competency, and to the use, issue, delivery, cancellation, and suspension thereof, and to impose for the breach of such conditions and regulations the penalties therein mentioned.

[*Here follow certain conditions and regulations, numbered 1 to 4, which are, mutatis mutandis, the same as the corresponding conditions and regulations numbered 1 to 4 in the Order relating to the grant of colonial certificates of competency by the lieutenant-governor of Bengal, supra, p. 1.*]

ORDERS IN COUNCIL.

7

Three Years Domicile or Service necessary.

Certificates
of competency
(New South
Wales).

5. Such colonial certificates of competency shall be granted only to any person who for a period of three years immediately preceding his application for such colonial certificate, or for several periods amounting together to three years, the earliest of which shall have commenced within five years prior to such application, has been domiciled in or has served in a ship or ships registered in one or more of the following Australasian colonies, viz., the colonies on the continent of Australia, and New Zealand, and Tasmania.

Certificates of competency granted contrary to this regulation shall be regarded as improperly granted.

[Here follow certain conditions and regulations, numbered 6 to 10, which are, mutatis mutandis, the same as the conditions and regulations numbered 6 to 10 in the Order relating to the grant of colonial certificates of competency by the lieutenant-governor of Bengal, supra, p. 1.]

This Order shall take effect in the said possession of New South Wales from and after the 1st day of April, 1876, and shall apply not only to colonial certificates of competency granted under this Order, but to such as shall have been granted under the Order hereby revoked, and be subsisting at the above date.



At the Court at Windsor, the 12th day of February, 1876:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the "Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted, that—[Here follows a recital of the 32 Vict. c. 11, s. 8.]

Certificates
of competency
(New Zealand).

And whereas the legislature of the British possession of New Zealand have provided for the examination of and grant of certificates of competency for foreign-going ships to persons intending to act as masters, mates, or engineers on board British ships, which certificates are herein-after denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied, &c.:

And whereas her Majesty, by Order in Council dated the 9th day of August, 1872, has been pleased to declare that (subject to certain conditions and regulations therein contained) the said colonial certificates of competency granted by the governor for the time being of the said possession of New Zealand shall be of the same force as if they had been granted under the said acts relating to merchant shipping: And whereas by the condition or regulation numbered 5, contained in the said recited Order in Council, it is provided that such colonial certificates of competency shall be granted only to persons who have been domiciled in the possession of New Zealand, or who have served in ships registered therein, for a period of or for periods amounting to at least three years immediately preceding their application for such colonial certificates, and that certificates of competency granted contrary to this regulation shall be regarded as improperly granted:

And whereas it has been represented to her Majesty in Council that the provisions of the said fifth condition or regulation in the said recited Order in Council of the 9th day of August, 1872, should be modified and amended so as to admit of domicile in or service in ships registered in any of the following Australasian colonies, viz., the colonies on the continent of Australia, and New Zealand, and Tasmania, forming part of the three years' domicile required under the said condition or regulation:

**Certificates
of competency
(New Zealand).**

And whereas it has been made to appear to her Majesty that such modification and amendment are expedient, and that the said recited Order in Council should be revoked, and a new Order in Council, modified and amended in manner aforesaid, substituted in lieu thereof:

Now, therefore, her Majesty, by and with the advice and consent of her Privy Council, doth hereby direct that from and after the 1st day of April, 1876, the said recited Order in Council of the 9th day of August, 1872, shall be, and the same is, hereby revoked, provided, however, that the revocation of the said Order in Council shall not affect or invalidate any colonial certificate of competency granted thereunder prior to the said 1st day of April, 1876, and subsisting at that date.

And her Majesty is further pleased,—

(1.) To declare that the said colonial certificates of competency granted by the governor for the time being of the said possession of New Zealand shall be of the same force as if they had been granted under the said acts.

(2.) To declare that all the provisions of the said acts which relate to certificates of competency for the foreign trade granted under those acts, except so much of the 139th section of the Merchant Shipping Act, 1854, and the 10th section of the Merchant Shipping Amendment Act, 1862, as requires the delivery by the Board of Trade to any master, mate, or engineer of a copy of any certificate to which he appears to be entitled as therein mentioned, so much of the third paragraph of the 23rd section of the said last-mentioned act as requires at the conclusion of a case relating to the cancelling or suspending of a certificate such certificate, if cancelled or suspended, to be forwarded to the Board of Trade, and the whole of the provisions of the fourth paragraph of the same section shall apply to such colonial certificates of competency; provided, however, that the foregoing exceptions shall not interfere with or suspend the operation of an act of the legislature of New Zealand, intituled "The Merchant Shipping Acts Adoption Act, 1869" (32 & 33 Vict. No. 5.)

[The remainder of this Order, except the concluding paragraph, is, mutatis mutandis, the same as the corresponding portion of the Order relating to the grant of colonial certificates of competency by the minister of marine and fisheries in Canada, supra, p. 4.]

This Order shall take effect in the said possession of New Zealand from and after the 1st day of April, 1876, and shall apply not only to colonial certificates of competency granted under this Order, but to such as shall have been granted under the Order hereby revoked and be subsisting at the above date.



At the Court at Windsor, the 26th day of March, 1878:

Present,—The Queen's most excellent Majesty in Council.

**Certificates
of competency
(Queensland).**

WHEREAS by "The Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted, that—[Here follows a recital of the 32 Vict. c. 11, s. 8.]

And whereas the legislature of the British possession of Queensland has, by the Navigation Act, 1876, provided for the examination of and grant of certificates of competency for foreign ships to persons intending to act as masters, mates, or engineers on board British ships, which certificates are hereinafter denominated colonial certificates of competency,

and the Board of Trade have reported to her Majesty that they are satisfied that, &c.:

Certificates
of competency
(Queensland)

Now, therefore, her Majesty, in exercise of the powers vested in her by the said first recited act, by and with the advice and consent of her Privy Council, is pleased,—

(1.) To declare that the said colonial certificates of competency granted by the marine board of the said possession of Queensland shall be of the same force as if they had been granted under the said acts.

[*The remainder of this Order, except the concluding paragraph, is, mutatis mutandis, the same as the corresponding portion of the Order relating to the grant of colonial certificates of competency by the Marine Board of New South Wales, supra, p. 5.*]

This Order shall take effect in the said possession of Queensland from and after the date hereof, and shall be deemed to apply to and take effect with respect to all such colonial certificates of competency as shall have been granted as aforesaid since the 1st day of October, 1877.



At the Court at Windsor, the 12th day of February, 1876:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted that—[*Here follows a recital of the 32 Vict. c. 11, s. 8.*]

Certificates
of competency
(South Australia).

And whereas the legislature of the British possession of South Australia has, by the "Marine Board Amendment Act, 1873," provided for the examination of and grants of certificates of competency for foreign ships to persons intending to act as masters, first mates, only mates, or second mates, or as first-class engineers or second-class engineers on board British ships, which certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied that, &c.:

And whereas her Majesty by Order in Council, dated the 12th day of May, 1874, has been pleased to declare that (subject to certain conditions and regulations therein contained) the said colonial certificates of competency granted by the marine board of the said possession of South Australia shall be of the same force as if they had been granted under the said acts relating to merchant shipping:

And whereas by the condition or regulation, numbered five, contained in the said recited Order in Council, it is provided that such colonial certificates of competency shall be granted only to persons who have been domiciled in the said possession of South Australia, or who have served in ships registered therein for a period of or for periods amounting to at least three years immediately preceding their applications for such colonial certificates, and that certificates of competency granted contrary to this regulation shall be regarded as improperly granted:

And whereas it has been represented to her Majesty in Council that the provisions of the said fifth condition or regulation in the said recited Order in Council of the 12th day of May, 1874, should be modified and amended so as to admit of domicile in or service in ships registered in any of the following Australasian colonies, viz., the colonies on the continent of Australia, and New Zealand, and Tasmania, forming part of the three years' domicile required under the said condition or regulation; and whereas it has been made to appear to her Majesty that such modification

**Certificates
of competency
(South Aus-
tralia).**

and amendment are expedient, and that the said recited Order in Council should be revoked and a new Order in Council, modified and amended in manner aforesaid, substituted in lieu thereof:

Now, therefore, her Majesty, by and with the advice and consent of her Privy Council, doth hereby direct that from and after the 1st day of April, 1876, the said recited Order in Council of the 12th day of May, 1874, shall be and the same is hereby revoked; provided, however, that the revocation of the said Order in Council shall not affect or invalidate any colonial certificate of competency granted thereunder prior to the said 1st day of April, 1876, and subsisting at that date.

And her Majesty is further pleased,—

1. To declare that the said colonial certificates of competency granted by the marine board of the said possession of South Australia shall be of the same force as if they had been granted under the said acts.

[The remainder of this Order, except the concluding paragraph thereof, is, mutatis mutandis, the same as the corresponding portion of the Order relating to the grant of colonial certificates of competency by the marine board of New South Wales, supra, p. 6.]

This Order shall take effect in the said possession of South Australia from and after the 1st day of April, 1876, and shall apply not only to colonial certificates of competency granted under this Order, but to such as shall have been granted under the Order hereby revoked and be subsisting at the above date.



At the Court at Windsor, the 17th day of May, 1876:

Present,—The Queen's most excellent Majesty in Council.

**Certificates
of competency
(Tasmania).**

WHEREAS by the "Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted, that—*[Here follows a recital of the 32 Vict. c. 11, s. 8.]*

And whereas the legislature of the British possession of Tasmania has, by the "Merchant Ships Officers Examination Act, 1874," provided for the examination of and grant of certificates of competency for foreign ships to persons intending to act as masters, mates, or engineers on board British ships, which certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied that, &c.:

And whereas her Majesty, by Order in Council, dated the 12th day of February, 1876, has been pleased to declare that (subject to certain conditions and regulations therein contained) the said colonial certificates of competency granted by the governor of the said possession of Tasmania shall be of the same force as if they had been granted under the said acts relating to merchant shipping:

And whereas it has been represented to her Majesty in Council that the said recited Order in Council of the 12th day of February, 1876, should be revoked, and a new Order in Council substituted in lieu thereof:

Now, therefore, her Majesty, by and with the advice and consent of her Privy Council, doth hereby direct that from and after the date hereof the said recited Order in Council of the 12th day of February, 1876, shall be and the same is hereby revoked.

And her Majesty is further pleased,—

1. To declare that the said colonial certificates of competency granted

by the governor of the said possession of Tasmania shall be of the same force as if they had been granted under the said acts.

**Certificates
of competency
(Tasmania).**

[The remainder of this Order, except the concluding paragraph, is, mutatis mutandis, the same as the corresponding portion of the Order relating to the grant of colonial certificates of competency by the Marine Board of New South Wales, supra, p. 6.]

This Order shall take effect in the said possession of Tasmania from and after the date hereof, and shall be deemed to apply to and take effect with respect to all such colonial certificates of competency as shall have been granted as aforesaid since the 1st day of April, 1876.



At the Court at Windsor, the 12th day of February, 1876:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the "Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted, that—*[Here follows a recital of the 32 Vict. c. 11, s. 8.]*

**Certificates
of competency
(Victoria).**

And whereas the legislature of the British possessions of Victoria have provided for the examination of and grant of certificates of competency for the foreign trade to persons intending to act as masters, mates, or engineers on board British sea-going steam ships, which certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied that, &c.:

And whereas her Majesty, by Order in Council dated the 30th day of March, 1871, has been pleased to declare that (subject to certain conditions and regulations therein contained) the said colonial certificates of competency granted by the Steam Navigation Board of Victoria, appointed by the government of the said possession of Victoria, shall be of the same force as if they had been granted under the said acts relating to merchant shipping:

And whereas by the condition or regulation, numbered 5, contained in the said recited Order in Council, it is provided that such colonial certificates of competency shall be granted only to persons who have been domiciled in the said possession of Victoria, or who have served in ships registered therein, for a period of or for periods amounting to at least three years immediately preceding their application for such colonial certificates, and that certificates of competency granted contrary to this regulation shall be regarded as improperly granted:

And whereas it has been represented to her Majesty in Council that the provisions of the said 5th condition or regulation in the said recited Order in Council of the 30th day of March, 1871, should be modified and amended so as to admit of domicile in or service in ships registered in any of the following Australian colonies, viz., the colonies on the continent of Australia, and New Zealand and Tasmania, forming part of the three years' domicile required under the said condition or regulation: And whereas it has been made to appear to her Majesty that such modification and amendment are expedient, and that the said recited Order in Council should be revoked and a new Order in Council, modified and amended in manner aforesaid, substituted in lieu thereof:

Nor, therefore, her Majesty, by and with the advice and consent of her Privy Council, doth hereby direct that from and after the 1st day of April, 1876, the said recited Order in Council of the 30th day of March, 1871, shall be and the same is hereby revoked; provided, however, that the

**Certificates
of competency
(Victoria).**

revocation of the said Order in Council shall not affect or invalidate any colonial certificate of competency granted thereunder prior to the said 1st day of April, 1876, and subsisting at that date.

And her Majesty is further pleased,—

1. To declare that the said colonial certificates of competency granted by the Steam Navigation Board of Victoria, appointed by the government of the said possession of Victoria, shall be of the same force as if they had been granted under the said acts.

[*The remainder of this Order, except the concluding paragraph thereof, is, mutatis mutandis, the same as the corresponding portion of the Order relating to the grant of colonial certificates of competency by the marine board of New South Wales, supra, p. 6.*]

This Order shall take effect in the said possession of Victoria from and after the 1st day of April, 1876, and shall apply not only to colonial certificates of competency granted under this Order, but to such as shall have been granted under the Order hereby revoked and be subsisting at the above date.

**ORDER IN COUNCIL relating to the Tensile and Breaking Strain to which
Chain Cables are to be subjected (a).**

At the Court at Windsor, the 12th day of May, 1874:

Present,—The Queen's most excellent Majesty in Council.

Chain Cables.

WHEREAS it is provided by "The Chain Cable and Anchor Act, 1871," as follows, viz., "It shall be lawful for her Majesty from time to time, by Order in Council, to alter the tensile strain or the breaking strain to which, under the principal act and this act, chain cables and anchors are to be subjected by the tester, and to revoke or alter any such Order previously made; and that before any such alteration is made the Board of Trade shall give six months' notice thereof by advertisement in the Gazette, or in any such other way as they may think best for making the same known to the parties interested:"

And whereas it is expedient to alter the said tensile strain and the said breaking strain by substituting for the tensile and breaking strains mentioned in the said act the tensile and breaking strains contained in the schedule annexed to this Order:

And whereas notice of such alteration was advertised in the "London Gazette" of the 5th day of September, 1873:

Now, therefore, in exercise of the provisions of the above-recited act, her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct that the schedule set forth at the foot hereof shall be substituted for the second schedule to the above-recited act.

[Schedule.

(a) See the 34 & 35 Vict. c. 101, s. 6, now repealed, and the 37 & 38 Vict. c. 61, s. 6. The Board of Trade have, under the provisions of the last-mentioned section, approved of the

tests set forth in the schedule to this Order as tests equal or superior to the tests required under the 34 & 35 Vict. c. 101. See "Forms," No. 44 (iii.), *supra*.

SCHEDULE referred to in the above Order.

Chain Cables.

STUD LINK CHAIN CABLES.

Breaking and Tensile Strains.

1.	2.	3.	1.	2.	3.
Diameter of Iron Common Links.	Breaking strain which 8 links in each 15 fathoms must withstand previous to the tensile strain being applied.	Tensile strain to be applied to every 15 fathoms separately.	Diameter of Iron Common Links.	Breaking strain which 8 links in each 15 fathoms must withstand previous to the tensile strain being applied.	Tensile strain to be applied to every 15 fathoms separately.
Inches.	Tons.	Tons.	Inches.	Tons.	Tons.
4 1/4	306 1/2	218 1/2	2 1/2	195 1/2	139 1/2
4 1/2	305	217 1/2	2 1/2	192 1/2	137 1/2
4 3/4	303 1/2	217	2 1/2	189 1/2	135 1/2
4 1/2	302 1/2	216 1/2	2 1/2	186 1/2	133 1/2
4 1/2	301 1/2	215 1/2	2 1/2	183 1/2	131 1/2
4 1/2	300	214 1/2	2 1/2	181	129 1/2
4 1/2	298 1/2	213 1/2	2 1/2	178	127 1/2
4 1/2	297 1/2	212 1/2	2 1/2	175 1/2	125 1/2
4 1/2	295 1/2	211 1/2	2 1/2	172 1/2	123
4 1/2	294 1/2	210 1/2	2 1/2	169 1/2	120 1/2
4 1/2	292 1/2	209	2 1/2	166 1/2	118 1/2
4 1/2	291	207 1/2	2 1/2	163 1/2	116 1/2
4 1/2	289 1/2	206 1/2	2 1/2	160 1/2	114 1/2
4 1/2	287 1/2	205 1/2	2 1/2	157 1/2	112 1/2
4 1/2	285 1/2	204 1/2	2 1/2	153 1/2	109 1/2
4 1/2	284	202 1/2	2 1/2	149 1/2	106 1/2
4	282 1/2	201 1/2	2 1/2	145 1/2	104 1/2
3 3/4	280 1/2	200 1/2	2 1/2	142 1/2	101 1/2
3 1/2	278 1/2	198 1/2	2 1/2	138 1/2	98 1/2
3 1/2	276 1/2	197 1/2	2 1/2	134 1/2	96 1/2
3 1/2	274 1/2	195 1/2	2 1/2	131	93 1/2
3 1/2	272 1/2	194 1/2	2 1/2	127 1/2	91 1/2
3 1/2	270	192 1/2	2 1/2	124	88 1/2
3 1/2	267 1/2	191 1/2	2 1/2	120 1/2	86 1/2
3 1/2	265 1/2	189 1/2	2 1/2	117	83 1/2
3 1/2	263 1/2	188 1/2	2 1/2	113 1/2	81 1/2
3 1/2	261 1/2	186 1/2	2 1/2	110 1/2	78 1/2
3 1/2	258 1/2	184 1/2	2 1/2	107 1/2	76 1/2
3 1/2	256 1/2	183 1/2	2 1/2	103 1/2	74 1/2
3 1/2	254 1/2	181 1/2	2	100 1/2	72
3 1/2	251 1/2	179 1/2	1 3/4	97 1/2	69 1/2
3 1/2	249 1/2	178 1/2	1 3/4	94 1/2	67 1/2
3 1/2	246 1/2	176 1/2	1 3/4	91 1/2	65 1/2
3 1/2	244 1/2	174 1/2	1 3/4	88 1/2	63 1/2
3 1/2	241 1/2	172 1/2	1 3/4	85 1/2	61 1/2
3 1/2	239 1/2	170 1/2	1 3/4	82 1/2	59 1/2
3 1/2	236 1/2	169 1/2	1 3/4	79 1/2	57 1/2
3 1/2	234 1/2	167 1/2	1 3/4	77 1/2	55 1/2
3 1/2	231 1/2	165 1/2	1 3/4	74 1/2	53 1/2
3 1/2	228 1/2	163 1/2	1 3/4	71 1/2	51 1/2
3 1/2	226 1/2	161 1/2	1 3/4	69 1/2	49 1/2
3 1/2	223 1/2	159 1/2	1 3/4	66 1/2	47 1/2
3 1/2	220 1/2	157 1/2	1 3/4	63 1/2	45 1/2
3 1/2	218	155 1/2	1 3/4	61 1/2	43 1/2
3 1/2	215 1/2	153 1/2	1 3/4	59	42 1/2
3 1/2	212 1/2	151 1/2	1 3/4	58 1/2	40 1/2
3 1/2	209 1/2	149 1/2	1 3/4	58 1/2	38 1/2
3 1/2	206 1/2	147 1/2	1 3/4	55 1/2	37 1/2
3	204 1/2	145 1/2	1 3/4	53 1/2	35 1/2
2 1/2	201 1/2	143 1/2	1 3/4	51	34
2 1/2	198 1/2	141 1/2	1 3/4	48 1/2	32 1/2

APPDX.

5 K

Chain Cables.

STUD LINK CHAIN CABLES—continued.
Breaking and Tensile Strains.

1.	2.	3.	1.	2.	3.
Diameter of Iron Common Links.	Breaking strain which 8 links in each 15 fathoms must withstand previous to the tensile strain being applied.	Tensile strain to be applied to every 15 fathoms separately.	Diameter of Iron Common Links.	Breaking strain which 8 links in each 15 fathoms must withstand previous to the tensile strain being applied.	Tensile strain to be applied to every 15 fathoms separately.
Inches.	Tons.	Tons.	Inches.	Tons.	Tons.
$1\frac{1}{8}$	46 $\frac{1}{2}$	31	$2\frac{1}{8}$	19 $\frac{3}{8}$	12 $\frac{5}{8}$
$1\frac{1}{4}$	44 $\frac{1}{2}$	29 $\frac{1}{2}$	$2\frac{1}{4}$	17 $\frac{1}{2}$	11 $\frac{1}{2}$
$1\frac{1}{2}$	42 $\frac{1}{2}$	28 $\frac{1}{2}$	$2\frac{1}{4}$	16 $\frac{1}{2}$	10 $\frac{1}{2}$
$1\frac{3}{4}$	40	26 $\frac{1}{2}$	$2\frac{1}{4}$	15 $\frac{1}{2}$	10 $\frac{1}{2}$
$1\frac{7}{8}$	38	25 $\frac{1}{2}$	$2\frac{1}{4}$	13 $\frac{1}{2}$	9 $\frac{1}{2}$
$1\frac{7}{8}$	36	24	$2\frac{1}{4}$	12 $\frac{1}{2}$	8 $\frac{1}{2}$
$1\frac{7}{8}$	34 $\frac{1}{2}$	22 $\frac{1}{2}$	$2\frac{1}{4}$	11 $\frac{1}{2}$	7 $\frac{1}{2}$
$1\frac{7}{8}$	32 $\frac{1}{2}$	21 $\frac{1}{2}$	$2\frac{1}{4}$	10 $\frac{1}{2}$	7
$1\frac{7}{8}$	30 $\frac{1}{2}$	20 $\frac{1}{2}$	$2\frac{1}{4}$	9 $\frac{1}{2}$	6 $\frac{1}{2}$
$1\frac{7}{8}$	28 $\frac{1}{2}$	19 $\frac{1}{2}$	$2\frac{1}{4}$	8 $\frac{1}{2}$	5 $\frac{1}{2}$
1	27	18	$2\frac{1}{4}$	7 $\frac{1}{2}$	5
$1\frac{1}{8}$	25 $\frac{1}{2}$	16 $\frac{1}{2}$	$2\frac{1}{4}$	6 $\frac{1}{2}$	4 $\frac{1}{2}$
$1\frac{1}{8}$	23 $\frac{1}{2}$	15 $\frac{1}{2}$	$2\frac{1}{4}$	5 $\frac{1}{2}$	3 $\frac{1}{2}$
$1\frac{1}{8}$	22 $\frac{1}{2}$	14 $\frac{1}{2}$	$2\frac{1}{4}$	5 $\frac{1}{2}$	3 $\frac{1}{2}$
$1\frac{1}{8}$	20 $\frac{1}{2}$	13 $\frac{1}{2}$	$2\frac{1}{4}$		

SHORT LINK CHAIN CABLES.
Breaking and Tensile Strains.

1.	2.	3.	1.	2.	3.
Diameter of Iron Close Links.	Breaking strain which 8 links in each 15 fathoms must withstand previous to the tensile strain being applied.	Tensile strain to be applied to every 15 fathoms separately.	Diameter of Iron Close Links.	Breaking strain which 8 links in each 15 fathoms must withstand previous to the tensile strain being applied.	Tensile strain to be applied to every 15 fathoms separately.
Inches.	Tons.	Tons.	Inches.	Tons.	Tons.
$1\frac{1}{8}$	63 $\frac{1}{2}$	31 $\frac{1}{2}$	$2\frac{1}{8}$	19 $\frac{3}{8}$	9 $\frac{1}{2}$
$1\frac{1}{4}$	60 $\frac{1}{2}$	30 $\frac{1}{2}$	$2\frac{1}{4}$	18 $\frac{1}{2}$	9 $\frac{1}{2}$
$1\frac{1}{2}$	58 $\frac{1}{2}$	29 $\frac{1}{2}$	$2\frac{1}{4}$	17	8 $\frac{1}{2}$
$1\frac{3}{4}$	56 $\frac{1}{2}$	28 $\frac{1}{2}$	$2\frac{1}{4}$	15 $\frac{1}{2}$	7 $\frac{1}{2}$
$1\frac{3}{4}$	54	27	$2\frac{1}{4}$	14 $\frac{1}{2}$	7 $\frac{1}{2}$
$1\frac{3}{4}$	51 $\frac{1}{2}$	25 $\frac{1}{2}$	$2\frac{1}{4}$	13 $\frac{1}{2}$	6 $\frac{1}{2}$
$1\frac{7}{8}$	49 $\frac{1}{2}$	24 $\frac{1}{2}$	$2\frac{1}{4}$	12 $\frac{1}{2}$	6 $\frac{1}{2}$
$1\frac{7}{8}$	47 $\frac{1}{2}$	23 $\frac{1}{2}$	$2\frac{1}{4}$	11 $\frac{1}{2}$	5 $\frac{1}{2}$
$1\frac{7}{8}$	45 $\frac{1}{2}$	22 $\frac{1}{2}$	$2\frac{1}{4}$	10 $\frac{1}{2}$	5 $\frac{1}{2}$
$1\frac{7}{8}$	43 $\frac{1}{2}$	21 $\frac{1}{2}$	$2\frac{1}{4}$	9 $\frac{1}{2}$	4 $\frac{1}{2}$
$1\frac{7}{8}$	41 $\frac{1}{2}$	20 $\frac{1}{2}$	$2\frac{1}{4}$	8 $\frac{1}{2}$	4 $\frac{1}{2}$
$1\frac{7}{8}$	39 $\frac{1}{2}$	19 $\frac{1}{2}$	$2\frac{1}{4}$	7 $\frac{1}{2}$	3 $\frac{1}{2}$
$1\frac{7}{8}$	37 $\frac{1}{2}$	18 $\frac{1}{2}$	$2\frac{1}{4}$	6 $\frac{1}{2}$	3 $\frac{1}{2}$
$1\frac{7}{8}$	35 $\frac{1}{2}$	17 $\frac{1}{2}$	$2\frac{1}{4}$	6	3
$1\frac{7}{8}$	33 $\frac{1}{2}$	16 $\frac{1}{2}$	$2\frac{1}{4}$	5 $\frac{1}{2}$	2 $\frac{1}{2}$
$1\frac{7}{8}$	32	16	$2\frac{1}{4}$	4 $\frac{1}{2}$	2 $\frac{1}{2}$
$1\frac{7}{8}$	30 $\frac{1}{2}$	15 $\frac{1}{2}$	$2\frac{1}{4}$	3 $\frac{1}{2}$	1 $\frac{1}{2}$
$1\frac{7}{8}$	28 $\frac{1}{2}$	14 $\frac{1}{2}$	$2\frac{1}{4}$	3 $\frac{1}{2}$	1 $\frac{1}{2}$
$1\frac{7}{8}$	27	13 $\frac{1}{2}$	$2\frac{1}{4}$	2 $\frac{1}{2}$	1 $\frac{1}{2}$
$1\frac{7}{8}$	25 $\frac{1}{2}$	12 $\frac{1}{2}$	$2\frac{1}{4}$	2 $\frac{1}{2}$	1 $\frac{1}{2}$
1	24	12	$2\frac{1}{4}$	1 $\frac{1}{2}$	$\frac{1}{2}$
$1\frac{1}{8}$	22 $\frac{1}{2}$	11 $\frac{1}{2}$	$2\frac{1}{4}$		
$1\frac{1}{8}$	21	10 $\frac{1}{2}$	$2\frac{1}{4}$		

ORDERS IN COUNCIL, *approving Tables of Fees to be charged by British Consuls abroad (a).*

At the Court at Buckingham Palace the 1st day of May, 1855:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 4th section of the act of the sixth year of the reign of King George IV. c. 87, intituled "An Act," &c., it is, amongst other things enacted, that it shall be lawful for all consul generals and consuls appointed by his Majesty, and resident within the dominions of any sovereign, or any foreign state or power in amity with his Majesty, to accept, take and receive the several fees particularly mentioned in the tables to this said act annexed, marked with the letters (A.) and (B.), for and in respect or on account of the several matters and things, and official acts and deeds particularly mentioned in the said schedules; and that it shall and may be lawful for his Majesty, by any Order or Orders to be by him made, by and with the advice of his Privy Council, from time to time as occasion may require, to increase or diminish, or wholly to abolish, all or any of the fees aforesaid, and to establish and authorize the payment of any greater or smaller or new or additional fees or fee, for or in respect of the several matters and things mentioned in the said schedules or any of them, or for or in respect of any other matters or things or matter or thing to be by any such consul general or consul done or performed in the execution of such his office:

Consular
Fees—
General.

And whereas by an Order in Council made on the 14th day of April, 1851, it was ordered that "whenever a British consul general, consul, or vice-consul should be called upon by masters of merchant ships to give his sanction in writing as to the shipment or discharge of seamen, or his certificate as to the desertion of seamen, it should be lawful for such consul general, consul or vice-consul to demand, recover and receive from all masters or other chief officers or commanders of any ship or vessel belonging to any of her Majesty's subjects the sum of two shillings for each seaman whose shipment or discharge should have been so sanctioned, or whose discharge shall have been so certified; and that it should not be lawful for such consul general, consul or vice-consul to levy a larger fee for such service:"

And whereas it is expedient to abolish the fees mentioned in the tables to such act annexed, and in the said Order in Council of the said 14th day of April, 1851, and to establish and authorize the payment of other fees in lieu thereof:

Now therefore, in pursuance of the said act, and in exercise of the powers of her Majesty in Council, in that behalf vested by the said act, it is hereby ordered by her Majesty, that the said fees mentioned in the said tables to the said act annexed, and in the said Order of Council of the said 14th day of April, 1851, shall be abolished, and that the several fees mentioned in the tables hereunto annexed, for the several matters mentioned therein, shall be substituted for the fees so abolished, and shall and may be taken accordingly, subject to the directions and restrictions contained in the notes appended to the said table. And the right honorable the Earl of Clarendon, one of her Majesty's principal secretaries of state, is to give the necessary directions accordingly.

(a) See *post*, pp. 17, 19. As to the fees to be charged in consular courts, see an Order in Council of the 26th of October, 1876.

[Table of Fees

Consular
Fees—
General.

Table of Fees referred to by the foregoing Order.

PART I.

Fees to be taken in respect of Matters in which the Consul's interposition is required by Law.

<i>Matter in respect of which the Fee is to be taken.</i>	<i>FEES.</i> <i>£ s. d.</i>
For every declaration made before the consul, in forms B, C, F, G, H, and L, in the schedule to the Merchant Shipping Act, 1854, with a view to the registry, transfers, and transmission of ships, interests in ships, or mortgages on ships	0 5 0
For indorsing a memorandum of change of master upon the certificate of registry	0 2 0
For granting a provisional certificate of registry (this fee to be exclusive of fees on declarations)	0 10 0
For recording a mortgage of a ship, or shares in a ship, made under a certificate of mortgage	0 10 0
For recording the transfer of a mortgage of a ship, or shares in a ship, made under a certificate of mortgage	0 7 0
For recording the discharge of a mortgage of a ship, or shares in a ship, made under a certificate of mortgage	0 7 6
For every sale of a ship, or shares in a ship, made before the consul under a certificate of sale	0 10 0
For inspection of the register book of transactions in ships	0 1 0
For every seaman engaged before the consul	0 2 0
For every alteration in agreements with seamen made before the consul	0 2 0
For every seaman discharged or left behind with the consul's sanction	0 2 0
For every desertion certified by the consul	0 2 0
For attesting a seaman's will	0 2 0
For examination of provisions or water, to be paid by the party who proves to be in default	0 10 0
For every salvage bond made in pursuance of 17 & 18 Vict. c. 104, s. 488, to be paid by the master or owner of the property salvaged ...	2 0 0
On disbursements in respect of distressed seamen, a commission of {	2½ per cent.

PART II.

Fees to be taken in respect of Matters in which the Consul's interposition is to be given only when required by the Parties interested.

<i>Matter in respect of which the Fee is to be taken.</i>	<i>FEES.</i> <i>£ s. d.</i>
For noting a protest, with certified copy, if required	0 5 0
For order of survey, with certified copy, if required	0 5 0
For extending a protest or survey, with certified copy, if required....	1 0 0
And, if it exceeds 200 words, for every additional 100 words	0 2 6
For preparing and attesting bottomry or arbitration bond	1 0 0
For attesting bottomry or arbitration bond not prepared by consul ...	0 5 0
For attendance, out of consular office, at a shipwreck, or for the purpose of assisting a ship in distress, or of saving wrecked goods or property, over and above travelling expenses, per diem	1 1 0
For attending valuation of goods, if under 200 <i>l.</i> in value	0 10 6
For attending valuation of goods, if 200 <i>l.</i> and upwards in value, for every day's attendance during which the valuation continues	1 1 0
For attending sale of goods, if the purchase money is under 200 <i>l.</i>	1 1 0
For attending sale of goods, if the purchase money is 200 <i>l.</i> or upwards, for every day during which the sale continues	2 2 0
Certificate of due landing of goods exported from the United Kingdom	0 9 0

	FEE.		Consular Fees— General.
	£	s. d.	
(a) Bill of health	0	10 0	
Visé of passport	0	2 0	
Opening of will of a British subject, not being a seaman	1	1 0	
Management of property of a British subject, not being a seaman, } dying intestate, a commission of	2½		
Registration of documents, or other matters	0	2 6	per cent.
And, if exceeding 100 words, for every additional 100 words	0	0 6	
For every certified copy of a document not before mentioned	0	2 6	
And, if it exceeds 100 words, for every additional 100 words	0	0 6	
For administering an oath or declaration, including attestation of signature if required	0	2 0	
For attesting a signature	0	2 0	
For annexing the seal of office and signature to any document not mentioned in, or otherwise provided for by, this table	0	5 0	

Note 1.—No fee is to be taken for the custody of, or indorsement on, ship's articles and papers deposited with the consul in pursuance of the Merchant Shipping Act, 1854, s. 279.

Note 2.—Where any fee is fixed by the foregoing tables for any particular act or transaction, no additional fee is to be demanded for signature, attestation, or annexing seal of office.

Note 3.—The above fees, if not paid in English money, are to be calculated at the current rate of exchange.

At the Court at Windsor, the 19th day of June, 1868 :

Present,—The Queen's most excellent Majesty.

Lord President.	Duke of Buckingham and Chandos.
Lord Steward.	Mr. Disraeli.

WHEREAS by the 4th section of the act of the sixth year of the reign of King George IV. c. 87, intituled "An Act," &c., it is amongst other things enacted—[*Here follows a recital of the 4th section of 6 Geo. IV. c. 87, as in the Order of the 1st of May, 1855, supra, p. 15.*]

And whereas, by an Order in Council, made on the 1st of May, 1855, it was ordered that certain fees mentioned in the table thereunto annexed should be taken; and whereas it is expedient to abolish those fees so far as regards fees to be levied by her Majesty's consular officers in China and Japan, and to establish and authorize the payment of other fees in lieu thereof: Now, therefore, in pursuance of the said act, and in execution of the powers in her Majesty in Council in that behalf vested by the said act, it is hereby ordered by her Majesty, by and with the advice of her Privy Council, that the several fees mentioned in the table annexed to the Order in Council of the 1st of May, 1855, shall be abolished as regards fees to be levied by her Majesty's consular officers in China and Japan; and that the several fees mentioned in the table hereunto annexed, for the several matters mentioned therein, shall be substituted for the fees so abolished, and shall and may be taken by her Majesty's consular officers in China and Japan:

And the right honorable Lord Stanley, one of her Majesty's principal secretaries of state, is to give the necessary directions herein accordingly.

(a) See the Order of July 27, 1863, *infra*, p. 19, providing that this fee shall be abolished in the Ottoman Dominions, and other fees taken in lieu thereof.

[Fees to be taken

Consular Fees
—China and
Japan.

Consular Fees
—China and
Japan.

PART I.

Fees to be taken in respect of Matters in which the Consul's interposition is required by Law.

Matter in respect of which the Fee is to be taken (a).	Fee.
	DOLS. CENTS.
<i>For every declaration made before the consul in Forms B, C, F, G, H, and L, in the schedule to the Merchant Shipping Act, 1854, with a view to the registry, transfers and transmission of ships, interests in ships, or mortgages on ships</i>	1 0
<i>For indorsing a memorandum of change of master upon the certificate of registry</i>	0 50
<i>For granting a provisional certificate of registry. (This fee to be exclusive of fees on declarations.)</i>	2 50
<i>For recording a mortgage of a ship or shares in a ship made under a certificate of mortgage</i>	2 50
<i>For recording the transfer of a mortgage of a ship or shares in a ship made under a certificate of mortgage</i>	1 50
<i>For recording the discharge of a mortgage of a ship or shares in a ship made under a certificate of mortgage</i>	2 0
<i>For every sale of a ship or shares in a ship made before the consul under a certificate of sale</i>	2 50
<i>For inspection of the register book of transactions in ships</i>	0 25
<i>For every seaman engaged before the consul</i>	0 50
<i>For every alteration in agreements with seamen made before the consul</i>	0 50
<i>For every seaman discharged or left behind with the consul's sanction</i>	0 50
<i>For every desertion certified by the consul</i>	0 50
<i>For attesting a seaman's will</i>	0 50
<i>For examination of provisions or water, to be paid by the party who proves to be in default</i>	2 50
<i>For every salvage bond made in pursuance of 17 & 18 Vict. c. 104, s. 488, to be paid by the master or owner of the property saved</i>	10 0
<i>On disbursements in respect of distressed seamen, a commission of</i>	2½ per cent.

PART II.

Fees to be taken in respect of Matters in which the Consul's interposition is to be given only when required by the Parties interested.

Matter in respect of which the Fee is to be taken.	Fee.
	DOLS. CENTS.
For noting a protest, with certified copy if required	1 0
For order of survey, with certified copy if required	1 0
For extending a protest or survey, with certified copy if required	5 0
And if it exceeds 200 words, for every additional 100 words	0 50
For preparing and attesting bottomry or arbitration bond	5 0
For attesting bottomry or arbitration bond not prepared by consul	1 0
For attendance out of consular office at a shipwreck, or for the purpose of assisting a ship in distress, or of saving wrecked goods or property, over and above travelling expenses per diem	5 0

(a) So much of this table as is printed in italics has been revoked by an Order in Council of the 21st of July, 1876. For the fees substituted in lieu thereof, see "The China and Japan Maritime Order, 1874," set out at length, *post*, "Registration of Ships."

Matters in respect of which the Fee is to be taken.	Fee.	Consular Fees —China and Japan.
		DOLS. CENTS.
For attending valuation of goods, if under 200 <i>l.</i> in value ..	2 50	
For attending valuation of goods, if 200 <i>l.</i> and upwards in value, for every day's attendance during which the valuation continues ..	5 0	
For attending sale of goods if the purchase-money is under 200 <i>l.</i> ..	5 0	
For attending sale of goods if the purchase-money is 200 <i>l.</i> or up- wards, for every day during which the sale continues ..	10 0	
Certificate of due landing of goods exported from the United Kingdom	2 0	
Bill of health	2 50	
Visé of passport	0 50	
Opening of will of a British subject, not being a seaman ..	5 0	
Management of property of a British subject, not being a seaman, dying intestate, a commission of 2½ per cent.	2½ per cent.	
Registration of documents or other matters	0 50	
And if exceeding 100 words, for every additional 100 words ..	0 10	
For every certified copy of a document not before mentioned ..	0 50	
And if it exceeds 100 words, for every additional 100 words ..	0 10	
For administering an oath or declaration, including attestation of signature, if required	0 50	
For attesting a signature	0 50	
For annexing the seal of office and signature to any document not mentioned in, or otherwise provided for by, this table ..	1 0	

Note 1.—No fee is to be taken for the custody of or endorsement on ship's articles and papers deposited with the consul in pursuance of the Merchant Shipping Act, 1864, s. 279.

Note 2.—Where any fee is fixed by the foregoing tables for any particular act or transaction, no additional fee is to be demanded for signature, attestation, or annexing seal of office.

At the Court at Osborne House, Isle of Wight, the 27th day of July, 1863:
Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 4th section of the act of the sixth year of the reign of King George IV. c. 87, intituled "An Act," &c., it is, amongst other things, enacted, that—[*Here follows a recital of such of the provisions of the 4th section of 6 Geo. IV. c. 87, as are recited in the Order of the 1st of May, 1855, relating to consular fees, supra, p. 15.*]

And whereas by an Order in Council, made on the 1st of May, 1855, it was ordered that certain fees mentioned in the table thereunto annexed should be taken, and whereas one of the fees mentioned in the said table was 10*s.* for a bill of health:

And whereas it is expedient in certain cases to abolish the said fee so ordered to be taken, and to establish and authorize the payment of other fees in lieu thereof:

Now, therefore, in pursuance of the said act, and in execution of the powers in her Majesty in Council in that behalf vested by the said act, it is hereby ordered by her Majesty, by and with the advice of her Privy Council, that in so far as regards British ships in the dominions of the Sublime Ottoman Porte the said fee of 10*s.* for a bill of health shall be abolished: and in lieu thereof the fees hereinafter mentioned shall and may be taken in respect of every such ship on each occasion of her entering or clearing at any port in the said dominions; namely, on her entry

Consular Fees
—Ottoman
Dominions.

Consular Fees inwards, 5s.; and on her clearance outwards (including a bill of health, if
—Ottoman required), 5s.:
Dominions. And the right honorable Earl Russell, one of her Majesty's principal
 secretaries of state, is to give the necessary directions herein accordingly.

Contagious Diseases (Animals). The Order in Council of the 6th of December, 1878, known as the
 "Foreign Animals Order" (a), and regulating the importation, &c. of
 foreign animals into Great Britain, it is not considered advisable to set out.

Contagious Diseases (Animals). The Order in Council of the 19th of December, 1878, known as the
 "Transit of Animals Order" (b), it is not considered advisable to set out.

At the Council Chamber, Whitehall, the 13th of February, 1879:
 By the Lords of her Majesty's most Honorable Privy Council.

Present,—Lord President; Mr. Selater-Booth.

Contagious Diseases (Animals)—The Ships' Cows and Goats Order. THE lords and others of her Majesty's most Honorable Privy Council,
 by virtue and in exercise of the powers in them vested under the "Contagious Diseases (Animals) Act, 1878" (in this Order referred to as the act
 of 1878), and of every other power enabling them in this behalf, do order,
 and it is hereby ordered, as follows:—

1. This Order may be cited as "The Ships' Cows and Goats Order."
2. This Order shall take effect from and immediately after the making
 thereof; and words in this Order have the same meaning as in "The
 Foreign Animals Order."
3. This Order extends to Great Britain only.
4. Unless and until the Privy Council otherwise order, a cow or a goat
 taken on board a vessel in Great Britain for the purpose of supplying the
 passengers or crew with milk on a voyage, shall not on being landed in
 Great Britain at the end of the voyage, be deemed to be a foreign animal
 for the purposes of "The Foreign Animals Order," provided that the
 commissioners of customs are, before the same is landed, satisfied that it
 has been taken from Great Britain, and has not been landed in a foreign
 country, and has not been in contact with any foreign animal.

ORDERS IN COUNCIL relating to County Courts having Admiralty Jurisdiction.

At the Court at Osborne House, Isle of Wight, the 14th of January, 1869:

Present,—The Queen's most excellent Majesty in Council.

County Courts (Admiralty Jurisdiction). WHEREAS by the "County Courts Admiralty Jurisdiction Act, 1868," it
 is (among other things) enacted, that if—[*Here follows a recital of the 31
 & 32 Vict. c. 71, s. 2, down to the word "expedient."*]

And whereas her Majesty was pleased, by an Order in Council of the
 9th day of December, 1868, to order that certain county courts should
 have admiralty jurisdiction:

(a) Gazetted, December 10th, 1878.

(b) Gazetted, December 20th, 1878.

And whereas a representation has been made by the Lord Chancellor, stating that it is expedient that the said Order should be varied, and that the county courts mentioned in the first column of the schedule hereto annexed, marked A, should have admiralty jurisdiction; and that such courts should have assigned to them as their respective districts for admiralty purposes the districts of the county courts, the names of which are printed in the second column of the said schedule, opposite to the names of the said courts respectively:

County Courts'
(Admiralty
Jurisdiction).

Now, therefore, her Majesty having taken the said representation into consideration, is pleased, by and with the advice of her Privy Council, to order and appoint, and it is hereby ordered and appointed, that from and after the 31st day of January, 1869, the county courts mentioned in the first column of the schedule hereto annexed, marked A, shall have admiralty jurisdiction. And her Majesty is further pleased, by and with the advice aforesaid, to assign to the courts hereby appointed to have admiralty jurisdiction, as their respective districts for admiralty purposes, the districts of the county courts, the names of which are printed in the second column of the said schedule, opposite to the names of the said courts respectively. And her Majesty is further pleased, by and with the advice aforesaid, to order that the said Order of the 9th day of December last shall be varied or rescinded, so far as it varies from this order.

SCHEDULE A.

Name of the Court appointed to have Admiralty Jurisdiction.	The Districts of County Courts which are to be, for Admiralty Purposes, the District of the Court, the name of which is printed in the First Column.
The County Court of Northumberland holden at Newcastle-upon-Tyne.	The County Court of Northumberland holden at Berwick, Belford, Alnwick, Morpeth, North Shields, and Newcastle-on-Tyne, and the County Court of Durham holden at Gateshead and South Shields.
The County Court of Durham holden at Sunderland.	The County Court of Durham holden at Sunderland and Seaham.
The County Court of Durham holden at Stockton and Middlesborough (c).	The County Court of Durham holden at Hartlepool, Stockton, and Middlesborough; the County Court of Yorkshire holden at Stokesley and Whitby.
The County Court of York holden at Hull.	The County Court of Yorkshire holden at Scarborough, Bridlington, Beverley, Hedon, Hull, Howden, and Goole.
The County Court of Lincolnshire holden at Great Grimsby.	The County Court of Lincolnshire holden at Brigg, Great Grimsby, Louth, and Barton-on-Humber.
The County Court of Lincolnshire holden at Boston.	The County Court of Lincolnshire holden at Spilsby, Boston, Spalding, and Holbeach.
The County Court of Norfolk holden at King's Lynn.	The County Court of Cambridgeshire holden at Wisbeach; the County Court of Norfolk holden at King's Lynn and Little Walsingham.
The County Court of Norfolk holden at Yarmouth.	The County Court of Norfolk holden at Holt, North Walsham, Great Yarmouth, and Norwich.
The County Court of Suffolk holden at Lowestoft.	The County Court of Suffolk holden at Beccles, Lowestoft, and Halesworth.
The County Court of Suffolk holden at Ipswich.	The County Court of Suffolk holden at Framlingham, Woodbridge, and Ipswich; the County Court of Essex holden at Harwich.
The County Court of Essex holden at Colchester.	The County Court of Essex holden at Colchester and Maldon.

(c) See the Order of the 31st of March, 1870, *infra*, p. 23.

County Courts SCHEDULE A.—*continued.*
(Admiralty
Jurisdiction).

Name of the Court appointed to have Admiralty Jurisdiction.	The Districts of County Courts which are to be, for Admiralty Purposes, the District of the Court, the name of which is printed in the First Column.
The City of London Court (a).	The County Court of Essex holden at Rochford, Brentwood, and Romford; the County Court of Kent holden at Dartford, Gravesend, Greenwich, and Woolwich; the Southwark County Court of Surrey; the Bow County Court of Middlesex; the Whitechapel County Court of Middlesex; and the City of London Court.
The County Court of Kent holden at Rochester.	The County Court of Kent holden at Rochester, Sheerness, Sittingbourne, and Faversham.
The County Court of Kent holden at Ramsgate.	The County Court of Kent holden at Canterbury, Margate, Ramsgate, Sandwich, and Deal.
The County Court of Kent holden at Dover.	The County Court of Kent holden at Dover, Folkestone, Hythe, and Romney; the County Court of Sussex holden at Rye.
The County Court of Sussex holden at Brighton.	The County Court of Sussex holden at Hastings, Lewes, Brighton, Worthing, Arundel, and Chichester.
The County Court of Hampshire holden at Portsmouth.	The County Court of Hampshire holden at Portsmouth and Newport, Isle of Wight.
The County Court of Hampshire holden at Southampton.	The County Court of Hampshire holden at Southampton and Lymington.
The County Court of Dorsetshire holden at Poole.	The County Court of Hampshire holden at Christchurch; the County Court of Dorsetshire holden at Poole and Wareham.
The County Court of Dorsetshire holden at Dorchester.	The County Court of Dorsetshire holden at Dorchester, Weymouth, and Bridport.
The County Court of Devonshire holden at Exeter.	The County Court of Devonshire holden at Axminster, Honiton, Exeter, and Newton Abbot.
The County Court of Devonshire holden at Totnes and Churston Ferrers.	The County Court of Devonshire holden at Totnes, Churston Ferrers, and Kingsbridge.
The County Court of Devonshire holden at East Stonehouse.	The County Court of Devonshire holden at East Stonehouse and Tavistock; the County Court of Cornwall holden at Liskeard.
The County Court of Cornwall holden at Truro.	The County Court of Cornwall holden at Bodmin, St. Austell, Truro, Falmouth, Helstone, Penzance, Redruth, St. Columb Major, and Camel-ford.
The County Court of Devonshire holden at Barnstaple.	The County Court of Devonshire holden at Holford, Bideford, and Barnstaple.
The County Court of Somersetshire holden at Bridgewater.	The County Court of Somersetshire holden at Williton, Bridgewater, and Weston-super-Mare.
The County Court of Gloucestershire holden at Bristol.	The County Court of Gloucestershire holden at Bristol and Thornbury.
The County Court of Gloucestershire holden at Gloucester.	The County Court of Gloucestershire holden at Dursley, Gloucester, and Newnham.
The County Court of Monmouthshire holden at Newport.	The County Court of Monmouthshire holden at Chepstow and Newport.
The County Court of Glamorganshire holden at Cardiff.	The County Court of Glamorgan holden at Cardiff, Bridgend, and Cowbridge.

(a) See the Order of the 16th of May, 1871, *infra*, p. 24.

SCHEDULE A.—*continued.*County Courts
(Admiralty
Jurisdiction).

Name of the Court appointed to have Admiralty jurisdiction.	The Districts of County Courts which are to be, for Admiralty Purposes, the District of the Court, the name of which is printed in the First Column.
The County Court of Glamorganshire holden at Swansea.	The County Court of Glamorgan holden at Neath and Swansea; the County Court of Carmarthenshire holden at Llanelly.
The County Court of Carmarthenshire holden at Carmarthen (e).	The County Court of Carmarthenshire holden at Carmarthen and Newcastle-in-Emlyn; the County Court of Pembrokeshire holden at Narberth, Pembroke, and Haverfordwest; the County Court of Cardiganshire holden at Cardigan and Aberayron.
The County Court of Carnarvonshire holden at Bangor.	The County Court of Cardiganshire holden at Aberystwith; the County Court of Montgomeryshire holden at Machynlleth; the County Court of Merionethshire holden at Dolgelly; the County Court of Carnarvonshire holden at Portmadoc, Pwllheli, Carnarvon, Bangor, and Conway; the County Court of Anglesea holden at Llangefni and Holyhead; the County Court of Flintshire holden at St. Asaph, Rhyl, Holywell, and Mold.
The County Court of Lancashire holden at Liverpool.	The County Court of Cheshire holden at Chester, Birkenhead, and Runcorn; the County Court of Lancashire holden at Warrington, St. Helen's, Liverpool, and Ormakirk.
The County Court of Lancashire holden at Preston.	The County Court of Lancashire holden at Preston, Kirkham, Poulton-le-Fylde, Garstang, Lancaster, and Ulverstone.
The County Court of Cumberland holden at Whitehaven.	The County Court of Cumberland holden at Whitehaven, Cockermouth, Wigton, and Carlisle.

At the Court at Windsor, the 31st day of March, 1870:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The County Courts Admiralty Jurisdiction Act, 1868," it is (amongst other things) enacted that—[*Here follows a recital of the 31 & 32 Vict. c. 71, s. 2, down to the word "expedient."*]

County Courts
(Admiralty
Jurisdiction)
—Hartlepool.

And whereas her Majesty was pleased, by an Order in Council of the 14th day of January, 1869, to order that certain county courts should have admiralty jurisdiction:

And whereas a representation has been made to her Majesty in Council by the Lord Chancellor, stating that it is expedient that the said Order should be varied by removing the district of the county court of Durham holden at Hartlepool from the county court of Durham holden at Stockton and Middlesborough (to which court by the said Order the district of the said county court of Durham holden at Hartlepool was assigned), and by appointing the said last mentioned court to have admiralty jurisdiction, and by assigning to that court as its district for admiralty purposes the district of the said court:

Now, therefore, her Majesty, having taken the said representation into consideration, is pleased, by and with the advice of her Privy Council, to

(e) See the Order of the 16th of May, 1878, *infra*, p. 25.

County Courts
(Admiralty
Jurisdiction)
—Hartlepool.

order and appoint, and it is hereby ordered and appointed, that from and after the 11th day of April, 1870, the district of the county court of Durham holden at Hartlepool shall for admiralty purposes cease to form part of the district of the county court of Durham holden at Stockton and Middlesborough; and that the said court shall have admiralty jurisdiction, and that for its district for admiralty purposes the district of the said court shall be and is hereby assigned to the said court.

At the Court at Windsor, the 16th day of May, 1871:

Present,—The Queen's most excellent Majesty in Council.

County Courts
(Admiralty
Jurisdiction)
—White-
chapel.

WHEREAS by "The County Courts Admiralty Jurisdiction Act, 1868," it is (amongst other things) enacted that—[*Here follows a recital of 31 & 32 Vict. c. 71, s. 2, down to the word "expedient."*]

And whereas her Majesty was pleased, by an Order in Council of the 14th day of January, 1869, to order that certain courts should have admiralty jurisdiction:

And whereas a representation has been made by the Lord Chancellor that it is expedient that the said Order should be varied, and that the Whitechapel county court of Middlesex should have admiralty jurisdiction, and that the said court should have assigned to it as its district for admiralty purposes the districts of the county court of Essex holden at Rochford, Brentwood, and Romford; of the county court of Kent holden at Dartford, Gravesend, Greenwich, and Woolwich; of the Southwark county court of Surrey, and of the Bow and Whitechapel county courts of Middlesex, and that the city of London court, appointed by such Order to have admiralty jurisdiction, should cease to have such jurisdiction:

Now, therefore, her Majesty, having taken the said representation into consideration, is pleased, by and with the advice of her Privy Council, to order and appoint, and it is hereby ordered and appointed, that from and after the 30th day of June, 1871, the Whitechapel county court of Middlesex shall have admiralty jurisdiction, and shall have assigned to it as its district for admiralty purposes the districts of the county court of Essex holden at Rochford, Brentwood, and Romford; of the county court of Kent holden at Dartford, Gravesend, Greenwich, and Woolwich; of the Southwark county court of Surrey, and of the Bow and Whitechapel county courts of Middlesex; and that the city of London court appointed by such Order to have admiralty jurisdiction shall cease to have such jurisdiction:

And her Majesty is further pleased, by and with the advice aforesaid, to order that the said Order of the 14th day of January, 1869, shall be varied and rescinded so far as it varies from this Order.

At the Court at Windsor, the 16th day of May, 1878 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The County Courts Admiralty Jurisdiction Act, 1868," it is (among other things) enacted, that—[*Here follows a recital of the 31 & 32 Vict. c. 71, s. 2, down to the word "expedient."*]

And whereas her Majesty was pleased, by an Order in Council of the 14th day of January, 1869, to order that certain county courts should have admiralty jurisdiction :

And whereas a representation has been made to her Majesty in Council by the Lord Chancellor, stating that it is expedient that the said Order should be varied by removing the districts of the county courts of Pembrokehire holden at Narberth, Haverfordwest, and Pembroke Dock from the county court of Carmarthenshire holden at Carmarthen (to which court by the said Order the districts of the said county courts of Pembrokehire were assigned), and by appointing the county court of Pembrokehire holden at Pembroke Dock to have admiralty jurisdiction, and by assigning to that court as its district for admiralty purposes the districts of the county courts of Pembrokehire holden at Narberth, Haverfordwest, and Pembroke Dock :

Now, therefore, her Majesty, having taken the said representation into consideration, is pleased by and with the advice of her Privy Council, to order and appoint, and it is hereby ordered and appointed, that from and after the 1st day of July, 1878, the districts of the county courts of Pembrokehire holden at Narberth, Haverfordwest, and Pembroke Dock, shall for admiralty purposes cease to form part of the district of the county court of Carmarthenshire holden at Carmarthen; and that the county court of Pembrokehire holden at Pembroke Dock shall have admiralty jurisdiction, and that for its district for admiralty purposes the districts of the county courts of Pembrokehire holden at Narberth, Haverfordwest, and Pembroke Dock, shall be and are hereby assigned to the county court of Pembrokehire holden at Pembroke Dock.

County Courts
(Admiralty
Jurisdiction)
—Pembroke
Dock.

ORDER IN COUNCIL *defining the Composition, Quality, and Character of any Explosive, and classifying Explosives.* See the Explosives Act, 1875 (38 Vict. c. 17), s. 106 (a).

At the Court at Osborne House, Isle of Wight, the 5th day of August, 1875 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 106th section of "The Explosives Act, 1875," it is enacted that it shall be lawful for her Majesty, from time to time, by Order in Council, to define, for the purposes of the said act, the composition, quality, and character of any explosive, and to classify explosives :

Now therefore, in pursuance of the above-mentioned provision of the said act, her Majesty is pleased, by and with the advice of her Privy Council, to order as follows :—

Explosives—
Classification
of.

(a) The 42nd section of this act provides that sect. 29 of the Passengers Act, 1855, and sects. 23 to 27 of the M. S. Act, 1873, shall apply to every explosive within the meaning of the Explosives Act, 1875, in like manner as they apply to gunpowder.

Explosives— For the purposes of the said act explosives shall be divided into seven
Classification classes, as follows:—
of.

Class 1	-	-	-	-	gunpowder.
Class 2	-	-	-	-	nitrate mixture.
Class 3	-	-	-	-	nitro-compound.
Class 4	-	-	-	-	chlorate mixture.
Class 5	-	-	-	-	fulminate.
Class 6	-	-	-	-	ammunition.
Class 7	-	-	-	-	firework.

And when an explosive falls within the description of more than one class, it shall be deemed to belong exclusively to the latest of the classes within the description of which it falls.

Class 1.—Gunpowder Class.

The term “gunpowder” means exclusively gunpowder ordinarily so called.

Class 2.—Nitrate-Mixture Class.

The term “nitrate-mixture” means any preparation, other than gunpowder ordinarily so called, formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether sulphur be or be not added to such preparation, and whether such preparation be or be not mechanically mixed with any other non-explosive substance.

The nitrate-mixture class comprises such explosives as—

Pyrolithe,		Poudre saxifragine,
Pudrolithe,		

and any preparation coming within the above definition.

Class 3.—Nitro-Compound Class.

The term “nitro-compound” means any chemical compound possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid), or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

The nitro-compound class has two divisions.

Division 1 comprises such explosives as—

Nitro-glycerine,		Dualine,
Dynamite,		Glyoxiline,
Lithofracteur,		Methylic nitrate,

and any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as—

Gun-cotton, ordinarily so called,		Cotton gun-powder,
Gun-paper,		Schultz's powder,
Xyloidine,		Nitro-mannite,
Gun-sawdust,		Picrates,
Nitrated gun-cotton,		Picric powder,

and any nitro-compound as before defined, which is not comprised in the first division.

Class 4.—Chlorate-mixture Class.

The term “chlorate-mixture” means any explosive containing a chlorate.

The chlorate-mixture class has two divisions.

Division 1 comprises such explosives as—

Horsley's blasting powder,	|	Brain's blasting powder,
and any chlorate preparation which consists partly of nitro-glycerine, or of some other liquid nitro-compound.		

**Explosives—
Classification
of.**

Division 2 comprises such explosives as—

Horsley's original blasting powder,	|	Hockstadter's blasting charges,
Erhardt's powder,	|	Reichen's blasting charges,
Reveley's powder,	|	Teutonite,
	|	Chlorated gun-cotton,

and any chlorate-mixture as before defined, which is not comprised in the first division.

Class 5.—*Fulminate Class.*

The term "fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, which, from its great susceptibility to detonation, is suitable for employment in percussion caps or any other appliances for developing detonation, or which, from its extreme sensibility to explosion, and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes), is especially dangerous.

This class consists of two divisions.

Division 1 comprises such compounds as the fulminates of silver and of mercury, and preparations of these substances, such as are used in percussion caps; and any preparation consisting of a mixture of a chlorate with phosphorus, or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter; and any preparation consisting of a mixture of a chlorate with sulphur, or with a sulphuret, with or without carbonaceous matter.

Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazobenzol.

Class 6.—*Ammunition Class.*

The term "ammunition" means an explosive of any of the foregoing classes when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a cartridge or charge for small arms, cannon, or any other weapon, or for blasting, or to form any safety or other fuze for blasting or for shells, or to form any tube for firing explosives, or to form a percussion cap, a detonator, a fog signal, a shell, a torpedo, a war rocket, or other contrivance other than a firework.

The term "percussion cap" does not include a detonator.

The term "detonator" means a capsule or case which is of such strength or construction, and contains an explosive of the fulminate-explosive class in such quantity, that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

The term "safety-fuze" means a fuze for blasting which burns and does not explode, and which does not contain its own means of ignition, and which is of such strength and construction and contains an explosive in such quantity that the burning of such fuze will not communicate laterally with other like fuzes.

The ammunition class has three divisions.

Division 1 comprises exclusively—

Safety cartridges,	|	Railway fog signals,
Safety fuzes for blasting,	|	Percussion caps.

Division 2 comprises any ammunition as before defined which does not contain its own means of ignition, and is not included in Division 1, such as—

Cartridges for small arms which are not safety cartridges,

**Explosives—
Classification
of.**

Cartridges and charges for cannon, shell, mines, blasting, or other like purposes,
Shells and torpedoes containing any explosive,
Fuzes for blasting, which are not safety fuzes,
Fuzes for shells,
Tubes for firing explosives,
War rockets,

which do not contain their own means of ignition.

Division 3 comprises any ammunition as before defined which contains its own means of ignition, and is not included in Division 1, such as—

Detonators,
Cartridges for small arms, which are not safety cartridges,
Fuzes for blasting, which are not safety fuzes,
Fuzes for shells,
Tubes for firing explosives,

which do contain their own means of ignition.

By ammunition containing its own means of ignition is meant ammunition having an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire the same by friction or percussion.

Class 7.—Firework Class.

The term “firework” comprises firework composition and manufactured fireworks.

Division 1.—The term “firework composition” means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks, and is not included in the former classes of explosives, and also any coloured fire composition.

Division 2.—The term “manufactured firework” means any explosive of the foregoing classes, and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker, serpent, rocket (other than a war rocket), maroon, star, lance, wheel, Chinese fire, Roman candle, or other article adapted for the production of pyrotechnic effects or pyrotechnic signals.

At the Court at Windsor, the 27th day of November, 1875:

Present,—The Queen’s most excellent Majesty in Council.

**Explosives—
Notice of
Accident
causing Loss
of Life, &c.**

WHEREAS by section 63 of the “Explosives Act, 1875,” it is provided that where in, about, or in connection with, any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire, causing loss of life or personal injury, or if the amount of explosives conveyed, or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the amount prescribed by Order in Council, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owners of the explosive conveyed therein, or being loaded or unloaded therefrom, or one of them, shall forthwith send, or cause to be sent, to the Secretary of State, notice of such accident, and of the loss of life or personal injury, if any, occasioned thereby:

Now, therefore, in pursuance of the above mentioned provision of the said act, her Majesty is pleased, by and with the advice of her Privy Council, to order and prescribe, that in the case of any other explosive, whether

with or without gunpowder; the amount, in the aggregate, shall be 200 lbs., provided that nothing in this order shall apply where no explosive is conveyed, loaded or unloaded, other than ammunition of the first division of the sixth class (as defined in the classification of explosives contained in an Order of Council made in pursuance of sect. 106 of the said act).

**Explosives—
Notice of
Accidents
causing loss
of life, &c.**

At the Court at Windsor, the 27th day of November, 1875:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS, in section 40, sub-section 9 of the "Explosives Act, 1875," there are contained certain provisions requiring a license for, and otherwise regulating the importation of explosives from any place out of the United Kingdom, and from such provisions there are exempted gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any explosive prescribed by Order in Council.

**Explosives—
Importation
of.**

Now, therefore, in pursuance of the above mentioned sub-section, her Majesty is pleased, by and with the advice of her Privy Council, to order and prescribe that every explosive of the first division of the sixth (ammunition) class (as defined in the classification of explosives contained in an Order in Council, made in pursuance of section 106 of the said act (a)) shall be exempted from the said provisions with respect to the importation of explosives.

ORDERS IN COUNCIL relating to the Apprehension within her Majesty's Dominions of Deserters from Merchant Ships belonging to Foreign Powers (b).

At the Court at Windsor, the 17th day of May, 1876:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS, by the "Foreign Deserters Act, 1852," it is provided that whenever it is made to appear to her Majesty that due facilities are or will be given for recovering or apprehending seamen who desert from British merchant ships in the territories of any foreign power, her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to such power when within her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient:

**Foreign
Deserters—
Brasil.**

And whereas it has been made to appear to her Majesty that due facilities are given for recovering and apprehending seamen who desert from British merchant ships in the territories of his Majesty the Emperor of Brazil:

Now, therefore, her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after the publication hereof in the "London Gazette," seamen not being slaves, and not being British subjects, who, within her Majesty's dominions, desert from merchant ships belonging to

(a) *Supra*, p. 25.

(b) See the "Foreign Deserters Act, 1852" (15 Vict. c. 26).

**Foreign
Deserters—
Brasil.**

the empire of Brazil shall be liable to be apprehended and carried on board their respective ships:

Provided always, that if any such deserter has committed any crime in her Majesty's dominions he may be detained until he has been tried by a competent court, and until his sentence (if any) has been fully carried into effect:

And the secretaries of state for India in council, the home department, and the colonies, are to give the necessary directions herein accordingly.

It has not been considered advisable to set more than one of the Orders in Council made in pursuance of the "Foreign Deserters Act, 1852," inasmuch as all such Orders are, *mutatis mutandis*, similar in terms to the Order of 17th of May, 1876, *supra*, p. 29. The following, however, is a list of all such Orders now in force, with the dates when they were respectively gazetted:—

**Foreign De-
serters.—List
of Orders.**

ORDERS IN COUNCIL are in force under the *Foreign Deserters Act, 1852* (15 Vict. c. 26), with the following *Foreign Powers*:—

	Passed.	Gazetted.
Russia.....	18th August, 1852	27th August, 1852.
Sweden and Norway..		
Peru		
Austria	16th October, 1852	22nd & 26th October, 1852.
Hanse Towns.....		
Prussia		
Denmark	13th June, 1853	14th June, 1853.
Oldenburgh		
Netherlands		
Mecklenburg-Schwerin	9th March, 1854	10th March, 1854.
Hanover	8th June, 1854.....	13th June, 1854.
France.....	3rd July, 1854	4th July, 1854.
Belgium	8th February, 1855	13th February, 1855.
Chili	28th July, 1856	5th & 15th August, 1856.
Morocco and Fez	6th May, 1857	8th May, 1857.
Spain	23rd January, 1860	24th January, 1860.
Nicaragua	27th August, 1860	28th August, 1860.
Salvadore	11th June, 1863	12th June, 1863.
Italy		
Ottoman Porte		
Siam	18th May, 1865	19th May, 1865.
Madagascar	10th November, 1866	13th November, 1866.
U. S. of Columbia	28th December, 1866	1st January, 1867.
Greece.....	28th December, 1866	1st January, 1867.
Brazil	12th February, 1876	15th February, 1876.
Tunis	17th May, 1876	23rd May, 1876 (a).
Hawaii	17th May, 1876	23rd May, 1876.
	23rd October, 1876.	27th October, 1876.

(a) *Supra*, p. 29.

ORDERS IN COUNCIL relating to the Light Duties leviable by the General Lighthouse Authorities have been recently made on the dates and to the effect mentioned in the following list. Those Orders against which an asterisk is placed are, so far as material, set out *infra* (a).

Date of Order.	Effect of Order.
November 1st, 1864 ..	Order extending the exemption from all light duties of fishing vessels conveying fresh fish from the fishing ground, to such vessels when carrying salted fish.
*May 18th, 1870 ..	Exempting vessels calling for orders at a port in the United Kingdom from certain light duties.
*October 24th, 1870 ..	Approving new consolidated tables of light duties (oversea section).
*May 16th, 1871 ..	Approving new consolidated tables of light duties (coast section).
June 25th, 1872 ..	Approving light duties, Dhu Heartach Rock lighthouse.
March 24th, 1873 ..	Approving light duties, Turnberry Point lighthouse.
May 6th, 1873 ..	Approving light duties, Inner Dowsing light vessel.
January 26th, 1874 ..	Approving light duties, East Goodwin and Goodwin and Gull Stream light vessels.
*February 21st, 1874 ..	Providing that all coasting vessels trading between ports in the United Kingdom and ports in Europe, not in the Mediterranean, shall, whether on the voyage out or whether on the voyage home, pay a moiety of the light duties then established.
May 12th, 1874 ..	Approving light duties, Daunt's Rock light vessel.
August 6th, 1874 ..	Approving light duties, Hartland Point lighthouse.
August 6th, 1874 ..	Approving light duties, Chicken Rock lighthouse, (in lieu of duties in respect of Calf of Man lights).
March 17th, 1875 ..	Approving light duties, Royal Sovereign Shoal light vessel.
*May 17th, 1876 ..	Fixing the abatement or discount on light duties at 60 per cent.
July 11th, 1877 ..	Approving light duties, Holy Island lighthouse, Lamlash, Island of Arran.
July 11th, 1877 ..	Approving light duties, Lochindaul lighthouse, Islay.
December 12th, 1877 ..	Approving light duties, Galley Head lighthouse, Cork.

At the Court at Windsor, the 18th day of May, 1870 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the "397th section of the Merchant Shipping Act, 1854," it is enacted that her Majesty may, by and with the advice of her Privy Council, from time to time reduce all or any of the dues for the time being payable in respect of existing or future lighthouses, buoys, or beacons for the time being under the management of the general lighthouse authorities, and may by the like advice vary any of such dues.

And whereas by the 398th section of the same act it is further enacted that each of the general lighthouse authorities shall have power, with the consent of her Majesty in Council, to exempt any ship, or any classes

Light Duties
—Exemption
from.

(a) See "The Merchant Shipping Act, 1854," ss. 397, 398.

**Light Duties
—Exemption
from.**

of ships, from the payment of light duties receivable by such authority, and to annex any terms or conditions to such exemptions:

And whereas it has been made to appear to her Majesty that it is reasonable and proper that the reductions, variations, and exemptions hereinafter specified should be made and take effect from and after the time hereinafter mentioned. Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, by and with the advice of her Privy Council, is pleased to direct that on and after the 1st day of October, 1870, the following reductions and variations in and exemptions from the light duties now payable shall take effect, that is to say,

: : : : : : : : :

9. All vessels calling for orders at any port in the United Kingdom, and proceeding thence outwards to a foreign port of destination, shall be exempted from payment of light dues in respect of all lights which may be passed or from which benefit may be derived on such outward voyage after leaving the port at which orders were called for.

—♦—

At the Court at Balmoral, the 24th day of October, 1870:

Present,—The Queen's most excellent Majesty in Council.

**Light Duties
—Consolidated
Tables
of (Oversea
Section).**

WHEREAS by the "Merchant Shipping Act, 1854," it is enacted that—
[Here follows a recital of the Merchant Shipping Act, 1854, s. 397].

And whereas it is by the said act further enacted [Here follows a recital of the Merchant Shipping Act, s. 399].

And whereas by an Order in Council of the 26th day of June, 1855, her Majesty did approve certain consolidated tables therein referred to of light duties levied by the said general lighthouse authorities respectively:

And whereas by an Order in Council dated the 1st day of November, 1864, her Majesty did approve of certain revised and amended consolidated tables of light duties therein referred to levied by the said authorities respectively, together with certain abatements, regulations, and exemptions therein contained:

And whereas by an Order in Council of the 18th day of May, 1870 (a), her Majesty has directed that certain deductions and variations in and exemptions from the light duties then payable therein specified, should take effect from and after the 1st day of October, 1870:

And whereas by various other Orders in Council her Majesty has approved of certain variations and abatements from the light duties comprised in the said tables, and also of certain new lights:

And whereas it has been made to appear to her Majesty that it is expedient further to amend and revise the aforesaid consolidated tables of light duties:

And whereas new consolidated tables of light duties (oversea section) levied by the said general lighthouse authorities respectively in the form hereunto annexed, together with the several reductions, variations, abatements, regulations, and exemptions contained therein have been submitted for her Majesty's approval:

And whereas the said last-mentioned consolidated tables of light duties (oversea section) and the several reductions, variations, abatements, regulations, and exemptions contained therein appear to be

(a) *Supra*, p. 31.

proper and reasonable, and it is expedient that the said tables shall come into operation on the day hereinafter mentioned :

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to approve, and does hereby approve, the said new tables of light duties (oversea section) and the said reductions, variations, abatements, regulations, and exemptions submitted as aforesaid, and doth hereby direct that the said tables shall come into operation on the 1st day of October, 1870.

**Light Duties
—Consolidated Tables
of (Oversea
Section).**

[Here follows a statement explanatory of the variations and additions which occur in the oversea section of the new edition of the consolidated tables of light duties as compared with the tables in use before the date of the order (a).]



At the Court at Windsor, the 16th day of May, 1871 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by an Order in Council, dated the 1st day of November, 1864, her Majesty did, by virtue of the power vested in her by "The Merchant Shipping Act, 1854," approve of certain consolidated tables therein referred to of light duties (oversea section and coast section) levied by the general lighthouse authorities, that is to say, the Corporation of the Trinity House of Deptford Strond, the commissioners of northern light-houses, and the commissioners of Irish lights :

**Light Duties
—Consolidated Tables
of (Coast Section).**

And whereas by various subsequent Orders in Council her Majesty has approved of certain revisions and amendments thereof, and of certain variations and abatements therefrom, and also of certain duties for new lights :

And whereas by an Order in Council dated the 24th of October, 1870, her Majesty has approved of certain revised and amended new consolidated tables of light duties (oversea section) levied by the said general lighthouse authorities respectively, in the form thereunto annexed, together with the several reductions, variations, abatements, regulations and exemptions therein contained :

And whereas it has been made to appear to her Majesty that it is expedient to revise, alter and amend the remaining or coast section of the aforesaid consolidated tables of light duties :

And whereas new consolidated tables of light duties (coast section) levied by the said lighthouse authorities respectively, in the form hereunto annexed, together with the several reductions, &c., contained therein, have been submitted for her Majesty's approval :

And whereas such last-mentioned tables appear to be proper and reasonable :

Now, therefore, her Majesty, by virtue of the powers vested in her by the Merchant Shipping Act, 1854, by and with the advice of the Privy Council, is pleased to approve and does hereby approve the said new tables of light duties (coast section) and the said reductions, variations, abatements, regulations and exemptions submitted as aforesaid.

[Here follows a statement explanatory of the variations and additions which occur in the coast section of the new edition of the consolidated tables of light duties as compared with the tables in use before the date of the Order (b).]

(a) Gazetted, October 25th, 1870.

(b) Gazetted, May 16th, 1871.

At the Court at Windsor, the 21st day of February, 1874:

Present,—The Queen's most excellent Majesty in Council.

**Light Duties
—Reduction
and Abate-
ment of.**

WHEREAS by "The Merchant Shipping Act, 1854," it is enacted that—
[Here follows a recital of "The Merchant Shipping Act, 1854," s. 397.]

And whereas—[Here follow recitals of the above Orders in Council of the 24th of October, 1870, and the 16th of May, 1871 (a), having been made.]

And whereas by Order in Council dated the 9th day of August, 1871, her Majesty was pleased to direct that on and after the 1st day of October, 1872, the duties for all general passing lights under the management of the said three general lighthouse authorities should be payable by coasting vessels once only for the whole voyage out and home, subject, however, to the abatement or discount hereinafter mentioned; and also that on and after the said 1st day of October, 1872, the abatement or discount to be allowed upon the amount of light duties should be 55 per centum, and no more:

And whereas by various Orders in Council since made, in pursuance of the said act, in respect of certain new lights, certain tolls have been directed to be paid for oversea vessels and for coasting vessels, respectively, subject to the abatement or discount of 55 per centum, and the regulations and exemptions mentioned in the said new consolidated tables of light duties and the said Order in Council of the 9th day of August, 1872:

And whereas among the regulations and exemptions in the oversea section of the said new consolidated tables of light duties, it is provided that all vessels trading between ports in the United Kingdom and ports in Europe (excepting ports in the Mediterranean) should, in respect of every light passed on the whole voyage out and home, be liable to only one payment of duties for each general passing light:

And whereas it has been made to appear to her Majesty that it is expedient that all coasting vessels and all vessels trading between ports in the United Kingdom and ports in Europe (excepting ports in the Mediterranean) should, instead of making one payment of dues for the voyage out and home, pay a moiety of dues for each light they pass, or from which they derive benefit, whether on their voyage out or on their voyage home:

: : : : : : : :

Now, therefore, her Majesty, by virtue of the powers vested in her by the said recited act, by and with the advice of her Privy Council, is pleased to direct as follows, viz. :—

That on and after the 1st day of April, 1874, all coasting vessels and all vessels trading between ports in the United Kingdom and ports in Europe (excepting ports in the Mediterranean) shall, in respect of every light passed, or from which benefit may be derived, either on the voyage out or on the voyage home, be liable to one moiety of the dues as provided in the said new consolidated tables of light duties for each general passing light and for each local light under the management of the said general lighthouse authorities, subject, however, to the abatement or discount hereinafter mentioned.

[Here follows a provision (now repealed) that the abatement or discount on the tolls specified in the said new consolidated tables of light duties shall be 60 per centum.]

(a) *Supra*, p. 33.

At the Court at Windsor, the 17th day of May, 1876:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS, by the "Merchant Shipping Act, 1854"—[*Here follows a recital of "The Merchant Shipping Act, 1854," s. 397.*]

Light Duties
—Discount on
Duties.

And whereas by an Order in Council, dated the 24th day of October, 1870(a), (which came into operation on the 1st day of October, 1871,) her Majesty was pleased to approve certain new consolidated tables of light duties (oversea section) levied by the said general lighthouse authorities, in the form hereunto annexed, together with the several reductions, variations, abatements, regulations, and exemptions therein contained:

And whereas by Order in Council, dated the 16th day of May, 1871(b), her Majesty was pleased to approve certain new consolidated tables of light duties (coast section) levied as aforesaid, in the form thereunto annexed, together with the several reductions, variations, abatements, regulations, and exemptions therein contained:

And whereas the light duties approved by the hereinbefore recited Orders in Council were subject to the abatement or discount of fifty-five per centum:

And whereas by an Order in Council, dated the 21st day of February, 1874, her Majesty was pleased to direct that on and after the 1st day of April, 1874(c), the abatement on discount to be allowed upon the amount of tolls specified in the said new consolidated tables of light duties mentioned in the said Orders in Council of the 24th day of October, 1870, and the 10th day of May, 1871, and in certain other Orders in Council, made subsequently to the two last mentioned Orders in Council, in respect of certain new lights, should in the case of every oversea vessel and of every coasting vessel be sixty per centum and no more:

And whereas by various Orders in Council since made in pursuance of the said acts in respect of certain other new lights, certain light duties have been directed to be paid for oversea vessels respectively, subject to the abatement or discount of sixty per centum, and the regulations and exemptions mentioned in the said new consolidated tables of light duties:

And whereas it has been made to appear to her Majesty that it is expedient that the said abatement or discount of sixty per centum should be varied in manner hereafter mentioned.

Now, therefore, her Majesty, by virtue of the powers vested in her by the said recited act, by and with the advice of her Privy Council, is pleased to direct that on and after the first day of July, 1876, the abatement or discount to be allowed upon the amount of tolls specified in the said new consolidated tables of light duties, mentioned in the said Orders in Council of the 24th day of October, 1870, and the 16th day of May, 1871, and upon the amount of tolls specified in the said other Orders in Council hereinbefore referred to, shall in the case of every oversea vessel and of every coasting vessel be fifty-five per centum and no more.

(a) *Supra*, p. 32.

(b) *Supra*, p. 33.

(c) *Supra*, p. 34.

ORDER IN COUNCIL *fixing the Limits of the District Registry of the Court of Admiralty at Liverpool* (a).

At the Court at Osborne House, Isle of Wight, the 14th day of January, 1871:

Present,—The Queen's most excellent Majesty in Council.

**Liverpool
District Re-
gistry,
(Admiralty
Court of).**

WHEREAS there was this day read at the board, a memorial from the Right Honorable the Lords Commissioners of the Admiralty, dated the 8th day of December, 1870, in the words following, viz. :—

Whereas by an act passed in the last session of your Majesty's parliament, entitled "An Act for Establishing a District Registrar of the High Court of Admiralty in England, at Liverpool," it was enacted that there shall be established in Liverpool a registry of the High Court of Admiralty, and that it shall be lawful for your Majesty, from time to time, by Order in Council, to fix the limits of such registry :

And whereas having taken the advice of your Majesty's Lord High Chancellor, we are of opinion that the limits of such registry should be co-extensive with those of the district assigned by your Majesty's Order in Council of the 14th day of January, 1869 (b), to the county court of Lancashire, as its district for Admiralty purposes; that is to say, to include the several districts of the county court of Cheshire, holden at Chester, Birkenhead, and Runcorn, and of the county court of Lancashire, holden at Warrington, Saint Helen's, Liverpool, and Ormskirk, together with such parts of the sea adjacent to such districts to a distance of three miles from the shore thereof :

We humbly beg leave to recommend your Majesty that you will be graciously pleased by your Order in Council to fix the limits of such registry accordingly.

Her Majesty, having taken the said memorial into consideration, was pleased, by and with the advice of her Privy Council, to approve of what is therein proposed; and the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions therein accordingly.

ORDERS IN COUNCIL *concerning the Lights and Signals to be carried by Sea-going Vessels, and concerning the steps to be taken for preventing Collisions between such Vessels at Sea* (c).

I.

At the Court at Osborne House, Isle of Wight, the 9th of January, 1863:

Present,—The Queen's most excellent Majesty in Council.

**Navigation
Rules.—Re-
gulations for
preventing
Collisions at
Sea.**

WHEREAS the rules and practice observed for preventing collisions at sea, which were formerly adopted by maritime nations, have proved insufficient to satisfy the requirements of modern navigation :

And whereas various alterations in such rules and practice have from time to time been made by different nations, but the rules so altered have been found to be in some cases inconsistent with each other, and in other cases to have the force of municipal law only :

And whereas, in consequence of communications from the government of the Emperor of the French inviting her Majesty's government to consider the expediency of making the said rules uniform and international, her Majesty's government prepared a project of regulations for preventing collisions at sea, and submitted it to the government of the Emperor of

(a) See the 33 & 34 Vict. c. 45.

(b) *Supra*, p. 23.

(c) See the M. S. Act, 1862, ss. 25, 58.

the French; and the project so prepared by her Majesty's government was approved by the government of the Emperor of the French with certain modifications, which were assented to by her Majesty's government:

**Navigation
Rules.—Reg-
ulations for
preventing
Collisions at
Sea.**

And whereas the said regulations so modified have been sanctioned by the "Merchant Shipping Act Amendment Act, 1862," and are contained in Table C. in the schedule to that act:

And whereas by the said act it is provided that her Majesty may from time to time, on the joint recommendation of the admiralty and the Board of Trade, by Order in Council modify any of the said regulations or make new regulations in substitution therefor:

And whereas certain clerical errors have been discovered in the regulations contained in the schedule to the said act and the admiralty and the Board of Trade have jointly recommended her Majesty to modify the said regulations for the purpose of correcting the said clerical errors; and the regulations so modified are appended to this Order:

And whereas by virtue of the said act and of this Order, the said regulations appended hereto will, so far as relates to British ships, and also so far as relates to foreign ships when within British jurisdiction, come into operation on the 1st day of June, 1863:

And whereas it is provided by the same act that—[*Here follows a recital of the Merchant Shipping Act, 1862, s. 58*]:

And it is further provided by the said act that—[*Here follows a recital of the Merchant Shipping Act, 1862, s. 61*]:

And whereas it has been made to appear to her Majesty that the government of the Emperor of the French is willing that the said regulations appended to this Order should on and after the 1st day of June, 1863, apply to French ships when beyond the limits of British jurisdiction:

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to direct:—

1. That the regulations contained in the schedule to the said act shall be modified by the substitution for such regulations of the regulations appended to this Order:

2. That the regulations appended to this Order shall, on and after the said 1st day of June, 1863, apply to French ships, whether within British jurisdiction or not.

Regulations referred to in the foregoing Order.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA (a).

CONTENTS.

Article 1. Preliminary.

Rules concerning Lights.

2. Lights to be carried as follows:—
3. Lights for steam ships.
4. Lights for steam tugs.
5. Lights for sailing ships.
6. Exceptional lights for small sailing vessels.
7. Lights for ships at anchor.
8. Lights for pilot vessels.
9. Lights for fishing vessels and boats.

Rules concerning Fog Signals.

10. Fog signals.

(a) The following diagrams, published by the Board of Trade, will be found useful as serving to illustrate the use of the lights carried by vessels at sea, in accordance with the regulations and the manner in which they

**Navigation
Rules.—Reg-
ulations for
preventing
Collisions at
Sea.**

Steering and Sailing Rules.

11. Two sailing ships meeting.
12. Two sailing ships crossing.
13. Two ships under steam meeting.
14. Two ships under steam crossing.
15. Sailing ship and ship under steam.
16. Ships under steam to slacken speed.
17. Vessels overtaking other vessels.
18. Construction of Articles 12, 14, 15 and 17.
19. Proviso to save special cases.
20. No ship under any circumstances to neglect proper precautions.

indicate to the vessel which sees them the position and description of the vessel that carries them:—

When both red and green lights are seen :

A sees a red and green light ahead;—A knows that a vessel is approaching her on a course directly opposite to her own, as B;



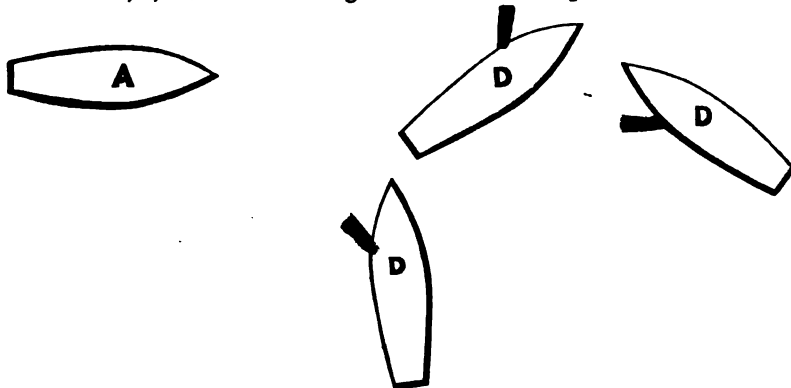
If A sees a white mast-head light above the other two, she knows that B is a steam vessel.

When the red, and not the green light, is seen :

A sees a red light ahead or on the bow;—A knows that either, 1, a vessel is approaching her on her port bow, as B;



or, 2, a vessel is crossing in some direction to port, as D D D.



If A sees a white mast-head light above the red light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction as B, or is crossing to port in some direction, as D D D.

Preliminary.

Art. 1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Navigation
Rules.—Reg-
ulations for
preventing
Collisions at
Sea.

Rules concerning Lights.

Art. 2. The lights mentioned in the following articles, numbered, 3, 4, 5, 6, 7, 8 and 9, and no others, shall be carried in all weathers from sunset to sunrise.

Art. 3. Seagoing steam ships when under weigh shall carry:

- (a.) *At the foremast head*, a bright white light, so fixed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least five miles:
- (b.) *On the starboard side*, a green light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles:
- (c.) *On the port side*, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles:

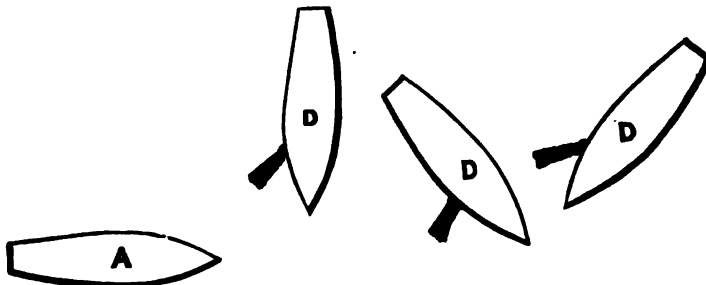
Lights for
Steam Ships.

When the green, and not the red light, is seen:

A sees a green light ahead or on the bow;—A knows that either, 1, a vessel is approaching her on her starboard bow, as B;



or, 2, a vessel is crossing in some direction to starboard, as D D D.



If A sees a white mast-head light above the green light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction, as B, or is crossing to starboard in some direction, as D D D.

Navigation Rules.—Regulations for preventing Collisions at Sea.

Lights for steam tugs.

Lights for sailing ships.

Exceptional lights for small sailing vessels.

Lights for ships at anchor.

Lights for pilot vessels.

Lights for fishing vessels and boats.

(d.) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

Art. 4. Steam ships when towing other ships shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam ships. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam ships are required to carry.

Art. 5. Sailing ships under weigh or being towed shall carry the same lights as steam ships under weigh, with the exception of the white mast-head lights, which they shall never carry.

Art. 6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck on their respective sides of the vessel ready for instant exhibition; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with suitable screens.

Art. 7. Ships, whether steam ships or sailing ships, when at anchor in roadsteads or fairways, shall exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon, and at a distance of at least one mile.

Art. 8. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast-head visible all round the horizon,—and shall also exhibit a flare-up light every fifteen minutes.

Art. 9. Open fishing boats and other open boats shall not be required to carry the side lights required for other vessels; but shall if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fishing vessels and open boats when at anchor or attached to their nets and stationary shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition if considered expedient.

Rules concerning Fog Signals.

Fog signals.

Art. 10. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes; viz:—

- (a.) Steam ships under weigh shall use a steam whistle placed before the funnel not less than eight feet from the deck.
- (b.) Sailing ships under weigh shall use a fog horn.
- (c.) Steam ships and sailing ships when not under weigh shall use a bell.

Steering and Sailing Rules.

Two sailing ships meeting.

Art. 11. If two sailing ships are meeting end on, or nearly end on (a), so

(a) For the meaning of "two ships meeting end on, or nearly end on," see Order in Council of the 30th July, 1868, *post*, 44.

as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 12. When two sailing ships are crossing so as to involve risk of collision, then if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

Art. 13. If two ships under steam are meeting end on, or nearly end on (a), so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Art. 15. If two ships, one of which is a sailing ship and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

Art. 16. Every steam ship when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam ship shall, when in a fog, go at a moderate speed.

Art. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

Art. 18. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article.

Art. 19. In obeying and construing these rules due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

Art. 20. Nothing in these rules shall exonerate any ship or the owner or master or crew thereof from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case (b).

Navigation Rules.—Regulations for preventing Collisions at Sea.

Two sailing ships crossing.

Two ships under steam meeting.

Two ships under steam crossing.

Sailing ship and ship under steam.

Ships under steam to slacken speed.

Vessels overtaking other vessels.

Construction of Articles 12, 14, 15, and 17. Proviso to save special cases.

No ship, under any circumstances, to neglect proper precautions.

(a) *Ante*, p. 40, note.

(b) The following French version of the Regulations for Preventing Collisions at Sea was published by the French government soon after the promulgation of the above Order in Council of the 9th of January, 1863:—

Règles à suivre pour prévenir les Abordages en Mer.

Préliminaire.

Art. 1. Dans les règles qui suivent, tout navire à vapeur qui ne marche qu'à l'aide de ses voiles est considéré comme navire à voiles; et tout navire dont la machine est en action, quelle que soit sa voilure, est considéré comme navire à vapeur.

Règles relatives aux feux et aux signaux en temps de brume.

Art. 2. Des feux mentionnés aux articles suivants doivent être portés, à l'exclusion de tous autres, par tous les temps, entre le coucher et le lever du soleil.

Art. 3. Les navires à vapeur, lorsqu'ils sont en marche, portent les feux ci-après:

(a.) *En tête du mât de misaine*, un feu blanc placé de manière à fournir un rayonnement uniforme et non interrompu dans tout le parcours

II.

Several Orders in Council, directing that "The Regulations for Preventing Collisions at Sea," appended to the above Order in Council of the 9th of January, 1863, should apply to the ships of the foreign countries or

d'un arc horizontal de 20 quarts du compas, qui se compte depuis l'avant jusqu'à 2 quarts en arrière du travers de chaque bord et d'une portée telle qu'il puisse être visible à 5 milles au moins de distance, par une nuit sombre, mais sans brume:

- (b.) *A tribord*, un feu vert établi de façon à projeter une lumière uniforme et non interrompue sur un arc horizontal de 10 quarts du compas, qui est compris entre l'avant du navire, et 2 quarts sur l'arrière du travers à tribord, et d'une portée telle qu'il puisse être visible à 2 milles au moins de distance, par une nuit sombre, mais sans brume:
- (c.) *A bâbord*, un feu rouge construit de façon à projeter une lumière uniforme et non interrompue sur un arc horizontal de 10 quarts du compas, qui est compris entre l'avant du navire, et 2 quarts sur l'arrière du travers à bâbord, et d'une portée telle qu'il puisse être visible à 2 milles au moins de distance, par une nuit sombre, mais sans brume:
- (d.) Ces feux de côté sont pourvus, en dedans du bord, d'écrans dirigés de l'arrière à l'avant, et s'étendent à 0°-90 en avant de la lumière, afin que le feu vert ne puisse pas être aperçu de bâbord avant, et le feu rouge de tribord avant.

Art. 4. Les navires à vapeur, quand ils remorquent, doivent, indépendamment de leurs feux de côté, porter deux feux blancs verticaux en tête de mât, qui servent à les distinguer des autres navires à vapeur. Ces feux sont semblables au feu unique de tête de mât que portent les navires à vapeur ordinaires.

Art. 5. Les bâtiments à voiles, lorsqu'ils font route à la voile ou en remorque, portent les mêmes feux que les bâtiments à vapeur en marche, à l'exception du feu blanc du mât de misaine, dont ils ne doivent jamais faire usage.

Art. 6. Lorsque des bâtiments à voiles sont d'assez faible dimension pour que leurs feux verts et rouges ne puissent pas être fixés d'une manière permanente, ces feux sont néanmoins tenus allumés sur le pont à leurs bords respectifs, prêts à être montrés instantanément à tout navire dont on constaterait l'approche, et assez à temps pour prévenir l'abordage.

Ces fanaux portatifs pendant cette exhibition sont tenus autant en vue que possible, et présentés de telle sorte que le feu vert ne puisse être aperçu de bâbord avant, et le feu rouge de tribord avant.

Pour rendre ces prescriptions d'une application plus certaine et plus facile, les fanaux sont peints extérieurement de la couleur du feu qu'ils contiennent, et doivent être pourvus d'écrans convenables.

Art. 7. Les bâtiments, tant à voiles qu'à vapeur, mouillés sur une rade, dans un chenal ou sur une ligne fréquentée, portent, depuis le coucher jusqu'au lever du soleil, un feu blanc placé à une hauteur qui n'excède pas 6 mètres au-dessus du plat-bord et projetant une lumière uniforme et non interrompue tout autour de l'horizon à la distance d'au moins un mille.

Art. 8. Les bateaux-pilotes à voiles ne sont pas assujettis à porter les mêmes feux que ceux exigés pour les autres navires à voiles; mais ils doivent avoir en tête de mât un feu blanc visible de tous les points de l'horizon, et de plus montrer un feu de quart d'heure en quart d'heure.

Art. 9. Les bateaux de pêche non pontés et tous les autres bateaux également non pontés ne sont pas tenus de porter les feux de côté exigés

places specified in such Orders, were made subsequently to the 9th of January, 1863, at different dates during the years 1863, 1864 and 1865, and at the present time the regulations in question are, in accordance

Navigation
Rules.—Reg-
ulations for
preventing
Collisions at
Sea.

pour les autres navires ; mais ils doivent, s'ils ne sont pas pourvus de semblables feux, se servir d'un fanal muni sur l'un de ses côtés d'une glissoire verte, et sur l'autre d'une glissoire rouge, de façon qu'à l'approche d'un navire ils puissent montrer ce fanal en temps opportun pour prévenir l'abordage, en ayant soin que le feu vert ne puisse être aperçu de bâbord, et le feu rouge de tribord.

Les navires de pêche et les bateaux non pontés qui sont à l'ancre, ou qui ayant leurs filets dehors sont stationnaires, doivent montrer un feu blanc.

Ces mêmes navires et bateaux peuvent, en outre, faire usage d'un feu visible à de courts intervalles, s'ils le jugent convenable.

Signaux en temps de brume.

Art. 10. En temps de brume, de jour comme de nuit, les navires font entendre les signaux suivants toutes les cinq minutes au moins, savoir :

- (a.) Les navires à vapeur en marche, le son du sifflet à vapeur qui est placé en avant de la cheminée à une hauteur de 2^m.40 au-dessus du pont des gaillards :
- (b.) Les bâtiments à voiles, lorsqu'ils sont en marche, font usage d'un cornet :
- (c.) Les bâtiments à vapeur et à voiles, lorsqu'ils ne sont pas en marche, font usage d'une cloche.

Règles relatives à la route.

Art. 11. Si deux navires à voiles se rencontrent courant l'un sur l'autre, directement ou à-peu-près, et qu'il y ait risque d'abordage, tous deux viennent sur tribord, pour passer à bâbord l'un de l'autre.

Art. 12. Lorsque deux navires à voiles font des routes qui se croisent et les exposent à un abordage, s'ils ont des amures différentes, le navire qui a les amures à bâbord manœuvre de manière à ne pas gêner la route de celui qui a le vent de tribord ; toutefois, dans le cas où le bâtiment qui a les amures à bâbord est au plus près, tandis que l'autre a du largue, celui-ci doit manœuvrer de manière à ne pas gêner le bâtiment qui est au plus près. Mais, si l'un des deux est vent arrière ou s'ils ont le vent du même bord, le navire qui est vent arrière ou qui aperçoit l'autre sous le vent manœuvre pour ne pas gêner la route de ce dernier navire.

Art. 13. Si deux navires sous vapeur se rencontrent courant l'un sur l'autre, directement ou à-peu-près, et qu'il y ait risque d'abordage, tous deux viennent sur tribord, pour passer à bâbord l'un de l'autre.

Art. 14. Si deux navires sous vapeur font des routes qui se croisent et les exposent à s'aborder, celui qui voit l'autre par tribord manœuvre de manière à ne pas gêner la route de ce navire.

Art. 15. Si deux navires, l'un à voiles, l'autre sous vapeur, font des routes qui les exposent à s'aborder, le navire sous vapeur manœuvre de manière à ne pas gêner la route du navire à voiles.

Art. 16. Tout navire sous vapeur, qui approche un autre navire de manière qu'il y ait risque d'abordage, doit diminuer sa vitesse ou stopper et marcher en arrière, s'il est nécessaire. Tout navire sous vapeur doit, en temps de brume, avoir une vitesse modérée.

Art. 17. Tout navire qui en dépasse un autre gouverne de manière à ne pas gêner la route de ce navire.

Art. 18. Lorsque, par suite des règles qui précèdent, l'un des deux bâtiments doit manœuvrer de manière à ne pas gêner l'autre, celui-ci doit néanmoins subordonner sa manœuvre aux règles énoncées à l'article suivant.

Navigation Rules.—Regulations for preventing Collisions at Sea.

with such Orders applicable to the ships of nearly every maritime state, whether such ships are within British jurisdiction or not.

The following is the list of the countries or places to whose ships the respective Orders in question refer, together with the dates when such Orders were gazetted:—

Country or Place.	Date of Gazette containing Order in Council.	Country or Place.	Date of Gazette containing Order in Council.
AUSTRIA	1 May, 1863	MOROCCO	28 July, 1863
ARGENTINE REPUBLIC..	15 Sept. 1863	NETHERLANDS	15 Sept. 1863
BELGIUM	1 May, 1863	NORWAY	15 Sept. 1863
BRAZIL	28 July, 1863	OLDENBURG	1 May, 1863
BREMEN	28 July, 1863	PERU	28 July, 1863
CHILE	20 Nov. 1863	PORTUGAL	1 May, 1863
DENMARK PROPER	5 Feb. 1864	PRUSSIA	1 May, 1863
EQUATOR (Republic) of the)	28 July, 1863	ROMAN STATES.....	20 Nov. 1863
FRANCE (a)	13 Jan. 1863	RUSSIA	28 July, 1863
GREAT BRITAIN (a)	13 Jan. 1863	SCHLESWIG	5 Feb. 1864
GREECE	6 Feb. 1866	SPAIN	28 July, 1863
HAMBURG	28 July, 1863	SWEDEN	28 July, 1863
HANOVER	1 May, 1863	TURKEY	20 Nov. 1863
HAWAIIAN ISLANDS ..	30 June, 1865	UNITED STATES, Sea- going Ships.....	30 Aug. 1864
HAYTI	1 May, 1863	UNITED STATES, Ships navigating Inland	2 Dec. 1864
ITALY	1 May, 1863	Waters	
LUBECK	28 July, 1863		
MECKLENBURG - SCHWERIN	1 May, 1863	URUGUAY	28 July, 1863

III.

Navigation Rules.—Regulations for preventing Collisions at Sea (Explanation of Articles 11 and 13.)

ORDER IN COUNCIL *explaining Articles 11 and 13 of the Rules for preventing Collisions at Sea, contained in the Schedule to the above Order in Council of the 9th of January, 1863 (supra, p. 36).*

At the Court at Osborne House, Isle of Wight, the 30th day of July, 1868.

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it was enacted, that—[*Here follows a recital of the Merchant Shipping Act, 1862, s. 25*]:

And whereas, by the same act, it was further provided, that—[*Here follows a recital of the Merchant Shipping Act, 1862, s. 58*]:

And whereas by an Order in Council made in pursuance of the said recited Act, and dated the 9th day of January, 1863, her Majesty was pleased to direct:—

First, that the regulations contained in the schedule to the said act

Art. 19. En se conformant aux règles qui précèdent, les navires doivent tenir compte de tous les dangers de la navigation. Ils auront égard aux circonstances particulières qui peuvent rendre nécessaire une dérogation à ces règles, afin de parer à un péril immédiat.

Art. 20. Rien dans les règles ci-dessus ne saurait affranchir un navire, quel qu'il soit, ses armateurs, son capitaine ou son équipage, des conséquences d'une omission de porter des feux ou signaux, d'un défaut de surveillance convenable, ou, enfin, d'une négligence quelconque des précautions commandées par la pratique ordinaire de la navigation ou par les circonstances particulières de la situation.

(a) This Order in Council is set out *supra*, p. 36.

should be modified by the substitution for such regulations of certain regulations appended to the said Order;

Secondly, that the said regulations appended to the said Order should, on and after the 1st day of June, 1863, apply to French ships, whether within British jurisdiction or not:

And whereas by several Orders in Council subsequently made, her Majesty has been pleased to direct that the regulations appended to the said Order of the 9th of January, 1863, shall apply to ships of the following countries, whether within British jurisdiction or not; that is to say:

Austria.	Mecklenburg-Schwerin.
Argentine Republic.	Morocco.
Belgium.	Netherlands.
Brazil.	Norway.
Bremen.	Oldenburg.
Chili.	Peru.
Denmark Proper.	Portugal.
Equator (Republic of the).	Prussia.
France.	Roman States.
Great Britain.	Russia.
Greece.	Schleswig.
Hamburgh.	Spain.
Hanover.	Sweden.
Hawaiian Islands.	Turkey.
Hayti.	United States, seagoing ships.
Italy.	United States, inland waters.
Lübeck.	Uruguay.

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lations for
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And whereas Articles 11 and 13 of the said regulations appended to the said recited Order of the 9th of January, 1863, are as follows; that is to say:—

Article 11.—“If two sailing ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.”

Article 13.—“If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.”

And whereas there has been doubt or misapprehension concerning the effect of the said two articles:

And whereas the Admiralty and the Board of Trade have jointly recommended to her Majesty to make the following additions to the said regulations, for the purpose of explaining the said recited articles and of removing the said doubt and misapprehension:

Now, therefore, her Majesty, by virtue of the powers vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to make the following additions to the said regulations by way of explanation of the said two recited articles; that is to say:—

The said two articles numbered 11 and 13 respectively only apply to cases where ships are meeting end on, or nearly end on, *in such a manner as to involve risk of collision*. They, consequently, do not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases in which the said two articles apply are when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, *by day*, each ship sees the masts of the other in a line, or nearly in a line, with her own; and *by night*, to cases in which each ship is in such a position as to see both the side lights of the other.

The said two articles do not apply *by day*, to cases in which a ship sees another *a-head* crossing her own course; or *by night*, to cases where the red light of one ship is opposed to the red light of the other; or

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where the green light of one ship is opposed to the green light of the other; or where a red light without a green light, or a green light without a red light, is seen a-head; or where both green and red lights are seen anywhere but a-head.

ORDER IN COUNCIL relating to the Navigation of the Inland Navigations called "The Duke of Bridgewater's Canal," "The Manchester and Salford Junction Canal," and "The Runcorn and Weston Canal."

At the Court at Windsor, the 18th day of May, 1870.

Present,—The Queen's most excellent Majesty in Council.

**Navigation
Rules—
Bridgewater,
&c.
Navigation.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that—[Here follows a recital of the Merchant Shipping Act, 1862, s. 32.]

And whereas the Right Honourable John Frederick Vaughan, Earl Cawdor, the Honourable George Henry Charles Byng (commonly called Viscount Enfield), and the Honourable Algernon Egerton, Member of Parliament (trustees acting in execution of the trusts of the will of the Most Noble Francis, late Duke of Bridgewater), are a body of persons interested in the several inland navigations severally called "The Duke of Bridgewater's Canal," "The Manchester and Salford Junction Canal," and "The Runcorn and Weston Canal," and have made application to her Majesty to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken, by vessels navigating the said inland several navigations, or any of them:

Now, therefore, her Majesty, by virtue of the powers vested in her by the said recited act, by and with the advice of her Privy Council, is pleased to make the rules contained in the schedule hereunto annexed, concerning the lights and signals to be carried, and concerning the steps for avoiding collision to be taken, by vessels navigating the several inland navigations called the Duke of Bridgewater's Canal, the Manchester and Salford Junction Canal, and the Runcorn and Weston Canal, or any of them.

Schedule referred to in the foregoing Order.

Rules concerning the lights and signals to be carried, and concerning the steps for avoiding collision to be taken, by vessels navigating the several inland navigations called the Duke of Bridgewater's Canal, the Manchester and Salford Junction Canal, and the Runcorn and Weston Canal, or any of them.

1. In this order the term "vessel" includes ships, boats, barges, craft, packets, and vessels of every kind navigating or being upon or in any part of the Duke of Bridgewater's Canal, the Manchester and Salford Junction Canal, and the Runcorn and Weston Canal, or any of them, or on or in any cut, canal or other works belonging to the said navigations or any of them.

2. No vessel shall be navigated on any of the said navigations referred to in the foregoing order, without a rudder at the stern, unless duly authorized by some agent of the owners of, or body of persons interested in, the respective navigations on which the same shall be navigated.

3. No vessel shall be navigated without one person, at the least, on board competent to steer and manage her, and acquainted with the ordinary rules of navigating on canals.

4. No vessel shall lie or be left without a person on board capable of taking care thereof.

5. No vessel shall lie or be left between sunset and sunrise without having a bright white light so fitted, placed or arranged that it shall be visible fore and aft. This light shall be of such a character as to be visible on a dark night, with a clear atmosphere, for a distance of at least one mile.

6. No vessel shall be navigated through a tunnel, either by day or by night, without carrying a light visible fore and aft; such light to be of the description and power named in the preceding rule.

7. Nothing shall be allowed to project beyond the sides of any vessel.

8. No vessel shall be placed or lie so as to obstruct the passage of any other vessel into or out of any lock, dock, bridgeway, stop-place, aqueduct, or tunnel, or enter any such lock, dock, bridgeway, stop-place, aqueduct or tunnel, out of its turn.

9. No vessel shall remain or be placed so as to obstruct the passage upon and along any part of the said canals respectively.

10. No vessel shall be moored in any dock entrance, bridgeway, stop-place, aqueduct or tunnel.

11. No attempt shall be made to moor a vessel in any basin, dock, or cut, or near any wharf, warehouse or crane, contrary to the orders of an agent of the owners of, or body interested in, the said navigations respectively.

12. Every vessel which would, if not stopped, meet another vessel on a part of any of the said navigations where two vessels cannot pass each other, shall stop at the passage place until the other vessel shall have passed clear of her.

13. No vessel shall be or remain at the entrance to any dock or basin, or in any bridgeway, stop-place, aqueduct or tunnel, or at any crane or wharf, longer than is necessary for passing through or using the same.

14. No attempt shall be made so to load, unload, moor or berth any vessel in any lock, dock, basin, bridgeway, stop-place, tunnel or aqueduct, or so near thereto as to obstruct the passage thereof.

15. The line of every vessel going down the navigation shall be lowered and give way to every passing vessel going up the navigation, unless the vessel going down the navigation is a passenger packet, in which case the vessel going up the navigation and not being a passenger packet shall give way to the passenger packet.

16. The line of every vessel not being a passenger packet, and whether light or loaded, shall be lowered and give way to a passenger packet.

17. Every vessel not being a passenger packet shall, whenever a passenger packet is within one hundred yards from any lock, bridge, aqueduct or tunnel give way to such passenger packet, and let it pass first through such lock, bridge, aqueduct or tunnel.

18. There shall be a driver in attendance upon every horse hauling any vessel, or being upon any hauling road or towing path.

19. Every steam vessel shall be furnished with a loud and shrill steam whistle, and such steam whistle shall be placed before the funnel, not less than three feet above the deck or gunwale of such vessel, and shall be so fitted that it shall be blown by the steam from the boiler of the vessel.

20. The steam whistle of every vessel under steam shall be sounded as follows, viz., when such vessel is about to round and is rounding any turnings in the navigation, as well as when such vessel is meeting, approaching, or overtaking any vessel.

21. Every vessel under steam, when passing a vessel not under steam, shall pass the vessel not under steam on the off side thereof.

22. Every vessel not under steam shall take the towing path side when meeting or passing, or approaching to, or being overtaken by, a vessel under steam.

23. Every vessel under steam meeting another vessel under steam shall, if going down the navigation, take the off-side, and shall, if coming up the navigation, take the towing path side.

24. Every vessel under steam overtaking another vessel under steam shall take the off-side.

25. Every vessel under steam, when being overtaken by another vessel under steam, shall take the towing path side.

26. Every vessel under steam shall check her speed when meeting, overtaking, or approaching any vessel, and shall stop and reverse if necessary.

27. No person shall, without being duly authorized by some agent of the owners of, or body interested in, the said several navigations respectively, cut any mooring line, or unmoor or cut adrift any vessel.

**Navigation
Rules—
Danube
River.**

The Order in Council of the 6th of April, 1866, providing that the regulations for the navigation of the mouths of the River Danube enacted by the European commission of that river on the 2nd of November, 1865, and sanctioned and amended by the Protocol of the 28th of March, 1866, shall have the force of law upon and against all British subjects and other persons subject to the jurisdiction of her Majesty's Consuls General, &c., within the dominions of the Sublime Porte, it is not considered advisable to set out.



**Navigation
Rules—
Dockyard
Ports.**

The Orders in Council made in pursuance of the Dockyard Ports Regulation Act, 1865, it is not considered advisable to set out.

The following is a list of such orders, together with the date when they were gazetted.

Date of Order.	Dockyards to which the Order is applicable.	When Gazetted.
February 29, 1868	Queenstown Deptford Woolwich Charlton and Sheerness Portsmouth Plymouth Pembroke	March 6, 1868.

ORDER IN COUNCIL relating to the Navigation of the Mersey and Irwell Navigation.

At the Court at Windsor, the 18th day of May, 1870.

Present,—The Queen's most excellent Majesty in Council.

**Navigation
Rules—
Mersey and
Irwell
Navigation.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that—[*Here follows a recital of the Merchant Shipping Act, 1862, s. 32.*]:

And whereas the Company of Proprietors of the Mersey and Irwell Navigation are a body corporate owning or exercising jurisdiction upon the inland navigation called "The Mersey and Irwell Navigation," and have made application to her Majesty to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken, by vessels navigating the said inland navigation:

Now, therefore, her Majesty, by virtue of the powers vested in her by the said recited act, by and with the advice of her Privy Council, is pleased to make the rules contained in the schedule hereunto annexed, concerning the lights and signals to be carried, and concerning the steps for avoiding collision to be taken, by vessels navigating the inland navigation called the Mersey and Irwell Navigation.

SCHEDULE referred to in the foregoing Order.

Rules concerning the Lights and Signals to be carried, and concerning the Steps for avoiding collision to be taken, by Vessels navigating the Inland Navigation called the Mersey and Irwell Navigation.

[The remainder of the schedule is, mutatis mutandis, the same in substance as the corresponding portion of the schedule referred to in the Order relating to the navigation of the Mersey and Irwell Navigation, supra, p. 46.]

**Navigation
Rules—
Mersey and
Irwell
Navigation.**

ORDER IN COUNCIL relating to the Navigation of the River Mersey below Warrington Bridge.

At the Court at Windsor, the 27th day of June, 1866.

Present,—The Queen's most excellent Majesty in Council.

WHEREAS, by the 31st section of "The Merchant Shipping Act Amendment Act, 1862," it is enacted that—[Here follows a recital of the section in question]:

And whereas by the 32nd section of the said recited act, it is further enacted that—[Here follows a recital of the section in question]:

And whereas the Mersey Docks and Harbour Board, being the Harbour Trust owning and exercising jurisdiction upon the waters of the River Mersey and in the sea channels and approaches thereto, have, under the circumstances provided for by the last-recited section of the said act, applied to her Majesty in Council to make certain rules, which they have submitted for approval concerning the lights and signals, and concerning the steps for avoiding collision, to be taken by vessels navigating such waters:

And whereas the rules so submitted as aforesaid appear to be reasonable and proper:

Now, therefore, her Majesty, by virtue of the powers in her vested by the 32nd section of the said recited act, and by and with the approval of her Privy Council, doth hereby make the said rules which are set forth in the schedule hereto.

**Navigation
Rules—
Mersey
River.**

SCHEDULE.

Rules concerning the Lights or Signals to be carried, and concerning the Steps for avoiding Collision to be taken, by Vessels navigating the River Mersey.

1. All vessels, as well sailing vessels as steamers, including river craft exceeding 10 tons measurement, while navigating or anchoring in any part of the river Mersey below Warrington Bridge, shall, save as mentioned in the third rule, observe and obey the "Regulations for Preventing Collisions at Sea" set out in Table C in the schedule to the act 25 & 26 Vict. c. 63, the short title of which is "The Merchant Shipping Act Amendment Act, 1862," together with the additional regulations following:—

2. Canal flats, or vessels without masts, being towed, shall carry the lights prescribed for sailing vessels by Articles 5 and 6 of the said Table C.

3. The single bright light, prescribed by Article 7 of the same table, is to be carried by all vessels when at anchor in the Mersey or the sea channels or approaches thereto at a height not exceeding twenty feet above the hull, suspended from the forestay, or otherwise near the bow of the vessel where it can be best seen; and in addition to the said light all ships or vessels having two or more masts shall exhibit another bright light, at double the height of the bow

**Navigation
Rules—
Mersey
River.**

lights, at the main or mizen peak, or the boom topping lift, or other position near the stern where it can be best seen.

MEMORANDUM.—The above are all the new rules which the Mersey Docks and Harbour Board think needful to suggest, with a view to extending to the river Mersey the useful regulations prescribed by the said act, but they propose to add the following by way of notice only:—

NOTICE.—By the 29th section of the act aforesaid (a), it is provided that, in case of a collision, if it be shown that either vessel has infringed any of the regulations for preventing collisions for the time being in force, such vessel shall be deemed in fault.

ORDERS IN COUNCIL relating to the Navigation of the River Thames.

I.

At the Court at Osborne House, Isle of Wight, the 5th day of February, 1872.

Present,—The Queen's most excellent Majesty in Council.

**Navigation
Rules—
Thames
River.**

WHEREAS by "The Thames Conservancy Act, 1857" (b), it is enacted that the Conservators of the River Thames shall have power and authority, from time to time, to make bye-laws for the regulation, management, and improvement of the river Thames, and the navigation thereof, in the manner thereby provided, and to impose penalties, not exceeding five pounds, for the breach or non-performance of such bye-laws:

And whereas by the forty-seventh section of the said act, it is enacted that no such bye-laws shall be in force until the same have been sent to the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, and shall have been approved by one of them:

And whereas by the thirty-first section of "The Thames Conservancy Act, 1864" (c), it is enacted that from and after the 31st day of December, 1864, sect. 47 of "The Thames Conservancy Act, 1857," shall be repealed, and that bye-laws made after the commencement of such repeal, under the authority of either of the said recited acts, shall not have any force unless and until they are allowed by Order of her Majesty in Council:

And whereas, by the forty-first section of "The Thames Navigation Act, 1866" (d), it is enacted that, from the passing of the said act, the conservators of the River Thames shall have the same or the like powers and authorities over and with respect to the Thames and Isis, from Staines to Cricklade, as they have, by virtue of "The Thames Conservancy Acts, 1857 and 1864," over and with respect to the Thames below Staines:

And whereas, by the forty-second section of the same act, it is enacted that the provisions of the said Conservancy Acts of 1857 and 1864, respecting bye-laws, shall extend and apply to bye-laws for the purposes of the Upper Navigation Acts, or the said "Thames Navigation Act, 1866:"

And whereas, by the ninth section of "The Thames Navigation Act, 1870" (e):

(a) The section in question is repealed by the M. S. Act, 1873, s. 33. See the M. S. Act, 1873, s. 17.

(b) 20 & 21 Vict. c. cxlvii.

(c) 27 & 28 Vict. c. 113.

(d) 29 & 30 Vict. c. 89.

(e) This recital is omitted as referring only to the power to make bye-laws for the regulation of pleasure boats. See the 33 & 34 Vict. c. cxlix.

And whereas, by the thirty-fifth section of the said act, it is enacted, that the conservators may from time to time make bye-laws for any purpose by this act expressly authorized or directed to be regulated by bye-laws, and the provisions of "The Thames Act of 1864," relative to the making of bye-laws and the allowance thereof by Order in Council, shall apply to bye-laws under the said act:

**Navigation
Rules—
Thames
River.**

And whereas the said conservators have, in exercise of the powers conferred upon them by the said recited acts, made and submitted for the allowance of her Majesty in Council, certain rules and bye-laws for the regulation of the navigation of the river Thames:

And whereas the said rules and bye-laws have been duly published, in accordance with the provisions of the said recited acts, and it has been made to appear to her Majesty that the said rules and bye-laws, as set forth as aforesaid in the schedule hereunto annexed, are reasonable and proper:

Now, therefore, her Majesty, by virtue of the power vested in her by "The Thames Conservancy Act, 1864," and of every other power enabling her in that behalf, by and with the advice of her Privy Council, is pleased to allow the said rules and bye-laws.

SCHEDULE referred to in the foregoing Order.

The Conservators of the River Thames, in exercise of the powers and authority vested in them by "The Thames Conservancy Acts, 1857 and 1864," "The Thames Navigation Act, 1866," "The Thames Conservancy Act, 1867," and "The Thames Navigation Act, 1870," and of every other authority them hereunto in anywise enabling, do order and direct as follows, that is to say:—

27 & 28 Vict.
c. 113.
29 & 30 Vict.
c. 89.

1. All bye-laws, rules, and orders for the regulation, management and improvement of the river Thames and the navigation thereof, and for compelling vessels at anchor or otherwise to carry or exhibit lights from sunset to sunrise, and for the government, good order and regulation of vessels in or upon the said river, and of persons navigating the same, or using the towing-paths, piers, landing-places, or any of the locks thereof, also for the mooring of timber, and for the government and regulation of the officers, servants and workmen in their employment, except the bye-laws for regulating the fisheries of the 4th October, 1785, the 23rd of January, 1860, and the Upper Thames bye-laws, 1869, shall, after these present bye-laws shall have been allowed by Order of her Majesty in Council, be and the same are hereby repealed.

Former bye-laws repealed.

2. That in the following bye-laws the words and expressions hereinafter mentioned shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

Interpretation clause.

The word "person" shall include corporations, whether aggregate or sole.

The word "horse" shall include all draught animals.

The word "vessel" shall mean any ship, lighter, barge, boat, wherry, punt, raft, or craft, and any kind of vessel whatever, whether navigated by steam or otherwise.

The word "collier" shall mean any vessel, the cargo of which shall consist of coal.

The word "station" shall mean any section, berth, or station for mooring or anchoring of vessels.

The word "master," when used in relation to any vessel, shall mean any person, whether the owner or not, lawfully or wrongfully, having or taking the command, charge or management of the vessel for the time being.

The word "harbour-master" shall be taken to mean and shall apply to each of the harbour-masters and the deputy harbour-master, and to any person authorised by the conservators to assist them or to perform the duties of the said harbour-masters during the absence of any of them from any cause whatsoever.

The word "River Thames" or "river" shall mean so much of the river Thames, and such part of its tributaries within the jurisdiction of the con-

**Navigation
Rules—
Thames
River.**

Accommodation for vessels between London-bridge and Irongate Stairs.

Width of passage between Irongate Stairs and Barking Creek.

Number of vessels to be moored at the respective tiers.

servators, as is between Cricklade, in the county of Wilts, and Yantlet Creek, in the county of Kent.

The words "in writing" applied to any document shall include documents wholly printed or wholly written, or partly printed and partly written.

3. The harbour-master shall provide as far as practicable accommodation between London Bridge and Irongate Stairs for vessels passing up and down the river, maintaining as far as practicable a navigable passage of not less than two hundred feet.

4. The harbour-master shall provide and maintain as far as practicable for vessels passing up and down the said river between Irongate Stairs and Barking Creek a navigable passage of not less than three hundred feet, and where the navigable passage shall be between a tier of vessels and the shore the space hereby allotted for any such passage shall be reckoned from the vessel in such tier which shall be nearest to the said shore to the low-water mark on the said shore, and in all parts of the river where the navigable passage shall be in the stream between tiers of vessels the space allotted for the navigable passage shall be reckoned from the vessel in each of the said tiers nearest to the other or opposite tier.

5. The several tiers used by colliers shall be placed as near to the respective shores of the river as the depth of the water will permit, and no more colliers or vessels shall be moored and distributed thereat at the same time than the number hereinafter respectively specified and allotted, that is to say—

ON THE SOUTH SIDE OF THE RIVER.

Princes Stairs	Upper tier	Ten vessels.
Princes Stairs	Lower tier	Ten vessels.
Church Hole	Upper tier	Ten vessels.
Church Hole	Lower tier	Twelve vessels.
Hanover Hole	Upper tier	Twelve vessels.
Hanover Hole	Lower tier	Twelve vessels.
Mill Hole tier		Twelve vessels.

ON THE NORTH SIDE OF THE RIVER.

Bell Wharf tier	Fourteen vessels.
Stone Stairs tier	Eighteen vessels.
Ratcliffe Cross	Upper tier Sixteen vessels.
Ratcliffe Cross	Lower tier Six vessels.

At all the said tiers or stations hereinbefore mentioned not more than one half of the said number of vessels so allotted and specified shall be moored with their heads up the river, nor more than one half of the said number of vessels with their heads down the river.

6. No more vessels shall be placed or permitted to remain at or in the several stations for colliers below Blackwall, at one time, than the number herein respectively specified, (that is to say)—

ON THE SOUTH SIDE OF THE RIVER.

Station No. 1, from Blackwall Point to the Charlton Ferry, Bugsby's Hole	Seventy-five vessels.
Station No. 2, Galleons	Fifteen vessels.

Number of colliers to be moored at the several stations.

No vessel to remain longer than fifteen days.

Vessels to remove from tiers at the next flood-tide.

7. No vessel shall, under any circumstances, without an order or consent for that purpose first had and obtained from the harbour-master, remain in any of the tiers in the said river for a longer period than fifteen days next after such vessel shall have entered any such tier, exclusive of the day of entering the same.

8. Every vessel admitted into any tier in any part of the river shall go out and remove from such tier at the next succeeding flood-tide after its cargo shall have been discharged, and shall forthwith proceed to such station as shall be for that purpose appointed by the harbour-master, who is hereby authorized and required in case of any such vessel not being so removed within the time aforesaid, to remove the same from such tier, and to take and place the same in such part of the river as shall be by him for that purpose deemed fit; and the expenses of so removing and placing such vessel shall be recoverable from the owner or owners of the said vessel, or from the master thereof, to the use of the conservators, as provided by the "Thames Conservancy Act, 1857."

9. No vessel shall lie at, be placed, made fast, or moored in any of the in-shore passages or ferries or upon the banks or shores of the river, so as to prevent the free transit of any other vessel. And it shall be lawful for the harbour-master forthwith to unmoor and remove, or cause to be unmoored and removed, any vessel so placed, made fast, or moored, and the amount of the charges and expenses of such unmooring and removal shall be recoverable from the owner or owners, or from the master of the said vessel, to the use of the said conservators, as provided by the "Thames Conservancy Act, 1857."

10. No vessel shall be anchored, moored, or placed between the tiers hereinbefore mentioned, or outside the stations hereinbefore mentioned, or in any part of the navigable water-way of the river, otherwise than by the order and direction of the harbour-master.

11. The harbour-master may give notice for the removal, within a time to be in the said notice specified, of any vessel which shall at any time be so moored, anchored, or placed in any part of the river, as in his opinion shall encroach upon the free navigation of the river, to such other place as such harbour-master in his discretion shall see fit, such notice to be given to the master of such vessel, or in case there shall be no person on board the said vessel, then such notice to be affixed and left affixed to some conspicuous part of such vessel, and in case the same shall not be removed in accordance with the said notice before the expiration of such time, the harbour-master is hereby authorized to remove or cause to be removed any such vessel, and the amount of the charges and expenses of such removal shall be recoverable from the owner or owners, or from the master of the said vessel, to the use of the conservators, as provided for by the "Thames Conservancy Act, 1857."

12. No vessel shall be brought up, stopped or placed so as to encroach upon or obstruct the free navigation of or passage on the river, nor on any vessel going into any of the said tiers, or quitting the same and getting into the stream of the fair way of the river, shall any anchor be let go therefrom (except for the purpose of navigating such vessel), and no part of the cargo of any vessel and no ballast shall be discharged or taken in whilst the same is lying in the stream of the fair way of the river, and the harbour-master is hereby authorized and required to remove any vessel so causing such obstruction to the navigation and fair way of the river, and the amount of the charges and expenses of such removal shall be recoverable from the owner or owners or master of such vessel to the use of the conservators, as provided by the "Thames Conservancy Act, 1857."

13. No float or floats, or raft or rafts of timber, either singly or together, exceeding sixty feet in length, (except timber in one length,) and twenty feet in width, shall be permitted to go into or pass along any part of the stream of the river between Bugsby's Hole and London Bridge, nor shall any float or floats, raft or rafts of timber, exceeding forty feet in width, be permitted to go into or pass along any other part of the stream of the river, nor shall any two or more floats or rafts of timber go or float abreast, nor shall more than three such floats or rafts in one body in continuous succession go into or pass along any part of the said stream lengthways, nor shall any following float or raft of timber go within the distance of three hundred yards of any other such float or raft floating upon the stream of the river.

[Bye-law 14 has been repealed by a bye-law approved by Order in Council of the 11th July, 1877, post, p. 59.]

15. All vessels navigating Gravesend Reach are to keep to the northward of a line defined by a skeleton beacon erected upon the India Arms Wharf on with the high chimney of the Cement Works at Northfleet; and all vessels intending to anchor in the Reach are to bring up to the southward of that line. A lantern is placed on the above beacon which shows (at night) a bright light to the northward of the same line, and a red light to the southward of it, over the anchorage ground. All vessels so anchoring and remaining beyond a period of twenty-four hours are to be moored.

16. All barges, boats, lighters, and other like craft navigating the river shall, when under way, have at least one competent man constantly on board for the navigation and management thereof, and all such craft of above 50 tons burden (a)

Navigation Rules— Thames River.

No vessel to be moored in in-shore passages or ferries, so as to obstruct.

No vessel to be anchored between the tiers, or in the waterway.

For removal of vessels encroaching upon the passage.

Vessels obstructing passage to be removed.

As to floats or rafts.

Course of vessels navigating Gravesend Reach.

Barges over 50 tons to have two persons to navigate them.

(a) See the 8th bye-law made under the Order of the 17th of March, 1875, *infra*, p. 59.

**Navigation
Rules—
Thames
River.**

- Left anchors to be buoyed.
As to anchors in the stream.
16. Any vessel slipping or parting from her anchor, shall leave a buoy to mark the position of such anchor.
17. Any vessel slipping or parting from her anchor, shall leave a buoy to mark the position of such anchor.
18. No anchor or anchors shall be suffered to lie or remain in the stream of the river outside of the line of the said tiers so as to endanger any vessel. And if any anchor or anchors of any vessel shall be so permitted or suffered to lie or remain in the stream of the river outside of the line of any of the tiers in such a manner as in the judgment of the harbour-master to endanger the vessels passing up or down the river, it shall be lawful for the harbour-master and he is hereby required to deliver or cause to be delivered on board such vessel a notice in writing, signed by him, requiring the master of such vessel forthwith to remove such anchor or anchors, and if such master shall not within a reasonable time after the delivery of such notice, remove such anchor or anchors, the harbour-master is hereby further authorized and required to remove or cause to be removed such anchor or anchors; the amount of the charges and expenses of such removal shall be recoverable from the owner or owners or master of the said vessel, to the use of the conservators, as provided for by the "Thames Conservancy Act, 1857."
19. No vessel shall navigate or lie in the river with its anchor or anchors a cock bill, except while fishing such anchor or anchors or during such time as may be absolutely necessary for getting such vessel under way or for bringing it to anchor.
20. No vessel shall be navigated or lie in the river with its anchor or anchors hanging by the cable perpendicularly from the hawse, unless the stock shall be awash, except during such time as shall be absolutely necessary for catting or fishing the said anchor or anchors, or during such time as may be absolutely necessary for getting such vessel under way.
21. In the loading and unloading of any vessel in any one of the said tiers in the river when and as often as it may be found requisite and necessary for any vessel to lie alongside another for the purpose of receiving or delivering goods or ballast, it shall and may be lawful for the harbour-master to direct and require the master of any such vessel as aforesaid to slack off the same, and in case of non-compliance by the master with the said direction the harbour-master is hereby authorized to slack off such vessel lying alongside as aforesaid.
22. No vessels which shall hereafter be laid or stationed in any of the said tiers in the river shall lie or be boomed off from each other, unless when necessary for the purpose of admitting any other vessel alongside the same, and every such vessel (except the outward one at each end or extremity of such tier) shall be laden over the bows thereof, and not otherwise, unless from the weight or bulk of the goods or nature of the merchandize it shall be deemed by and appear to the harbour master necessary to load or unload the same alongside, and when and so often as the harbour master shall direct any vessel to be so loaded or unloaded, every master of any vessel so lying in the said tier as aforesaid, when required to do so by such harbour master, shall as speedily as possible slack the breastfasts and moorings of his vessel for the purposes aforesaid.
23. No private chain or chains shall be affixed to the public moorings in the river without the permission of the harbour master first had and obtained, and if any such private chain or chains shall be affixed to the said public moorings, the harbour master is hereby authorized to remove the same therefrom.
24. No vessel shall be moored to the public moorings in the river otherwise than by the proper rings and bridles.
25. Every vessel lying in any of the said tiers in the river shall have a bow and stern lashing to the vessel next to it in the said tier.
26. Every master of any vessel which shall be moored or navigated on any part of the river with a warp, hawser, rope or chain, or having a rope across for any purpose whatsoever, unless in the act of entering or departing from any
17. Any vessel slipping or parting from her anchor, shall leave a buoy to mark the position of such anchor.
18. No anchor or anchors shall be suffered to lie or remain in the stream of the river outside of the line of the said tiers so as to endanger any vessel. And if any anchor or anchors of any vessel shall be so permitted or suffered to lie or remain in the stream of the river outside of the line of any of the tiers in such a manner as in the judgment of the harbour-master to endanger the vessels passing up or down the river, it shall be lawful for the harbour-master and he is hereby required to deliver or cause to be delivered on board such vessel a notice in writing, signed by him, requiring the master of such vessel forthwith to remove such anchor or anchors, and if such master shall not within a reasonable time after the delivery of such notice, remove such anchor or anchors, the harbour-master is hereby further authorized and required to remove or cause to be removed such anchor or anchors; the amount of the charges and expenses of such removal shall be recoverable from the owner or owners or master of the said vessel, to the use of the conservators, as provided for by the "Thames Conservancy Act, 1857."
19. No vessel shall navigate or lie in the river with its anchor or anchors a cock bill, except while fishing such anchor or anchors or during such time as may be absolutely necessary for getting such vessel under way or for bringing it to anchor.
20. No vessel shall be navigated or lie in the river with its anchor or anchors hanging by the cable perpendicularly from the hawse, unless the stock shall be awash, except during such time as shall be absolutely necessary for catting or fishing the said anchor or anchors, or during such time as may be absolutely necessary for getting such vessel under way.
21. In the loading and unloading of any vessel in any one of the said tiers in the river when and as often as it may be found requisite and necessary for any vessel to lie alongside another for the purpose of receiving or delivering goods or ballast, it shall and may be lawful for the harbour-master to direct and require the master of any such vessel as aforesaid to slack off the same, and in case of non-compliance by the master with the said direction the harbour-master is hereby authorized to slack off such vessel lying alongside as aforesaid.
22. No vessels which shall hereafter be laid or stationed in any of the said tiers in the river shall lie or be boomed off from each other, unless when necessary for the purpose of admitting any other vessel alongside the same, and every such vessel (except the outward one at each end or extremity of such tier) shall be laden over the bows thereof, and not otherwise, unless from the weight or bulk of the goods or nature of the merchandize it shall be deemed by and appear to the harbour master necessary to load or unload the same alongside, and when and so often as the harbour master shall direct any vessel to be so loaded or unloaded, every master of any vessel so lying in the said tier as aforesaid, when required to do so by such harbour master, shall as speedily as possible slack the breastfasts and moorings of his vessel for the purposes aforesaid.
23. No private chain or chains shall be affixed to the public moorings in the river without the permission of the harbour master first had and obtained, and if any such private chain or chains shall be affixed to the said public moorings, the harbour master is hereby authorized to remove the same therefrom.
24. No vessel shall be moored to the public moorings in the river otherwise than by the proper rings and bridles.
25. Every vessel lying in any of the said tiers in the river shall have a bow and stern lashing to the vessel next to it in the said tier.
26. Every master of any vessel which shall be moored or navigated on any part of the river with a warp, hawser, rope or chain, or having a rope across for any purpose whatsoever, unless in the act of entering or departing from any

dock, shall slack the same down on the approach of any other vessel which shall be proceeding, dropping or sailing with or against the tide.

27. The harbour master may order the moorings to be slackened down, or the sails to be furled, or the yards, masts, and booms, or any or either of them respectively, of any vessel lying or being in the said river, forthwith to be struck or run in, whenever in the judgment of any such harbour-master it shall be proper and expedient for the safety of any vessel or vessels so to do.

28. Every vessel shall at all times while passing on the river be navigated in a careful and proper manner, as well with regard to the safety of such vessel as of other vessels on the river.

29. The following steering and sailing rules shall be observed by vessels navigating the river Thames:—

- (a) In construing and obeying the following rules, due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances rendering a departure from such rules necessary in order to avoid immediate danger.
- (b) If two sailing vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.
- (c) When two sailing vessels are crossing so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the way of the vessel with the wind on the starboard side; except in the case in which the vessel with the wind on the port side is close-hauled and the other vessel free, in which case the latter vessel shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (d) If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.
- (e) If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.
- (f) If two vessels, one of which is a sailing vessel and the other a steam vessel, are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.
- (g) Every steam vessel, when approaching another so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam vessel shall, when in a fog, go at a moderate speed.
- (h) Every vessel overtaking any other vessel, shall keep out of the way of the said last-mentioned vessel.
- (i) Where by the above rules one of two vessels is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the article (a).
- (j) Nothing in these rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

30. No steam vessel shall be worked, navigated or placed upon, or anchored or moored in the river within three hundred and sixty feet of her Majesty's dockyard or arsenal at Woolwich, or of her Majesty's victualling-yard at Deptford.

31. No master of any steam vessel, engineer or other person therein shall set the engine or engines of such steam vessel in motion during the time that such steam vessel shall be attached to any mooring or moorings in the river.

32. Every steam vessel navigating the river Thames (except as hereinafter provided) shall between sunset and sunrise, while under way, exhibit the three following lights of sufficient power to be distinctly visible with a clear atmosphere on a dark night at a distance of at least one mile, namely,—

- (a) At the fore-mast, or if there be no fore-mast, at the funnel, a bright white light suspended at the height of not less than ten feet from the deck, and so fixed as to throw the light from right ahead to two points abaft the beam on either side.

(a) As to the lights to be carried by barges, sailing vessels, and vessels at anchor, see the Order of the 17th of March, 1876, *infra*, p. 58.

Navigation Rules— Thames River.

Moorings to be slackened when required.

Vessels to be navigated in a careful manner.

Proviso to save special cases.

Two sailing vessels meeting.

Two sailing vessels crossing.

Two vessels under steam meeting.

Two vessels under steam crossing.

Sailing vessels in tow and vessels under steam.

Vessels under steam to slacken speed.

Vessels overtaking other vessels.

No vessel, under any circumstances, to neglect proper precautions.

As to mooring steam-vessels.

No steam-vessel while attached to mooring to have engines in motion. Steam-vessels' lights (a).

**Navigation
Rules—
Thames
River.**

- (b) On the starboard side, a green light so fixed and fitted with an inboard screen as to throw the light from direct ahead to two points abaft the beam on the starboard side.
- (c) On the port side, a red light so fixed and fitted with an inboard screen as to throw the light from direct ahead to two points abaft the beam on the port side.
- (d) Provided, however, that no passenger steam vessel whilst navigating the said river above London Bridge, and when under way, shall be bound to exhibit between sunset and sunrise any other lights than two bright white lights, one at her masthead, and one at her stem.

**Steamers'
lights when
towing.**

33. Steamers towing vessels shall between sunset and sunrise exhibit, in addition to the above-mentioned three lights, a white light on the fore-mast or funnel not less than four feet vertically above the first-mentioned white light, of the like power and similar to it in every respect.

**Dredgers'
lights.**

34. Every steam dredger moored in the river Thames shall, between sunset and sunrise, exhibit three bright lights from globular lanterns of not less than eight inches in diameter, the said three lights to be placed in a triangular form, and to be of sufficient power to be distinctly visible with a clear atmosphere, on a dark night, at a distance of at least one mile, and to be placed not less than six feet apart on the highest part of the framework athwart ships.

Fog signals.

35. Every-steam vessel when the steam is up, and when under way, shall, in all cases of fog, use as a signal a steam-whistle, which shall be sounded at least every three minutes.

- (a) Sailing-vessels when under way shall in like manner use a fog-horn;
- (b) When at anchor, all vessels shall in like manner use a bell.

**Master of
steam-vessel
to remain on
paddle-box or
bridge.**

36. The master of every steam-vessel navigating the river shall be and remain on one of the paddle-boxes, or on the bridge of such steam-vessel, and shall cause a proper look out to be kept from the said steam-vessel during the whole of the time it is under way, and shall remove, or cause to be removed, any person other than the crew who shall be on the bridge or paddle-boxes of such steamer.

**No person to
be taken on
board nor
leave steam-
vessel whilst
in motion.**

37. No person shall be taken on board any steam-vessel navigating the said river, nor leave the same for the purpose of landing whilst the vessel is in motion, nor shall the engine thereof be put in motion until any boat or wherry bringing or taking away any passenger to or from such steam-vessel shall be sufficiently clear thereof.

**Steam-vessels
plying on
river to show
places between
which they ply.**

38. Every steam-vessel navigating the river, and conveying passengers from any landing place to any other landing place thereon, shall have painted and conspicuously displayed on the outside of such vessel, and on each side thereof, in letters of not less than three inches in length, the names of the places between which such vessel plies.

**Vessels for
certain pur-
poses to be
licensed by
Conservators.**

39. No vessel shall be used for the purpose of carrying away refuse from gas-works or other manufactories, or mud or other liquid or solid substances of an offensive and deleterious nature, which it is unlawful to cast into the Thames, other than the vessels licensed by the conservators for that purpose under their seal.

**Precautions in
taking in or
discharging
ballast.**

40. No master of any vessel shall take in or discharge ballast, unless canvas or tarpaulings be affixed below the ballast port, and extend down inside the barges, so as to prevent the ballast falling into the river.

**Barges to have
fifteen inches
free board.**

41. No person shall navigate any barge or lighter on the river below London Bridge unless there shall be a free board of at least fifteen inches, to be measured from the waters-edge to the top of the coamings of the hatches; and if there be no coamings there shall be a free board of at least fifteen inches, to be measured from the waters-edge to the top of the gunwale.

**Penalties for
intoxication,
&c.**

42. Any master, engineer, waterman, or other person engaged in navigating any vessel in the river who shall be intoxicated while so engaged, and any person whosever engaged or employed on the river who shall make use of abusive or insulting language to any officer of the conservators whilst employed in the performance of the duties of his office, or shall obstruct any such officer in the execution of his said duties, shall be deemed to have committed a breach of these present bye-laws, and shall be liable to the penalty hereinafter mentioned.

**Gunpowder,
provisions for
shipment of.**

43. No seagoing vessel (except those for the Queen's service) shall ship in the River Thames a larger quantity of gunpowder than twenty-five pounds, unless she be brought up between the two lower magazines in Halfway Reach on the south shore of the river, or at the red buoy in St. Clements Reach, or in the lower part of Gravesend Reach, below the "Ship and Lobster," where two red buoys are placed, and no gunpowder exceeding twenty-five pounds for the ship's

use shall be taken on board any vessel, whilst she is attached to, or alongside of a steam vessel, whose fires are lighted (a).

44. All vessels carrying more than twenty-five pounds of gunpowder as cargo, shall keep flying in a conspicuous position a square red flag not less than two square feet in size (a).

45. The master or owner of any vessel entering or leaving the Thames, subject to the payment of tonnage dues, and which has not been entered at the office of her Majesty's customs, and on which the tonnage dues have not been paid to the receiver there, shall furnish the conservators, for the purpose of registration, full particulars of the name, tonnage, and owner of such vessel, and the port to which she belongs; and shall send a return once in every month of the arrival and departure of such vessel during the preceding month to the office of the conservators, and shall pay to the conservators the tonnage rates which are then due for each time of arrival in and departure from the river, provided by the act of 4 & 5 Will. 4, c. 32, entitled, "An Act for rendering the Tonnage Rates payable in the Port of London."

[Bye-laws 46 to 71 inclusive relate to the navigation of the River Thames above Teddington Lock.]

72. Any person committing any breach of or in any way infringing any of these bye-laws, shall be liable to a penalty of and shall forfeit a sum not exceeding 5*l.*, which said penalty shall be recovered, enforced, and applied according to the provisions of the "Thames Conservancy Acts, 1857 and 1864."

**Navigation
Rules—
Thames
River.**

Ships to display a flag.

As to payment of tonnage dues on vessels not entered at the Customs.

Penalty for breach of bye-laws.

II.

At the Court at Balmoral, the 20th day of November, 1873:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Thames Conservancy Act, 1857"—[*Here follow four recitals the same in terms as the first five recitals in the Order in Council of the 5th of February, 1872, set out supra, p. 50*]:

And whereas the said conservators have, in exercise of the powers conferred upon them by the said recited acts, made and submitted for the allowance of her Majesty in Council a bye-law for the regulation of the lights to be carried by barges under way on the River Thames above Putney Bridge:

And whereas the said new bye-law has been duly published in accordance with the said recited acts; and it has been made to appear to her Majesty that the said new bye-law is reasonable and proper:

Now, therefore, her Majesty, by virtue of the power vested in her by "The Thames Conservancy Act, 1864," and of every other power enabling her in that behalf, by and with the advice of her Privy Council, is pleased to allow the said new bye-law.

Schedule referred to in the foregoing Order.

The conservators of the River Thames, in exercise of the powers and authority vested in them by "The Thames Conservancy Acts, 1857, 1864, and 1867," and by "The Thames Navigation Act, 1866," and of every authority them hereunto in anywise enabling, do order and direct as follows (that is to say):—

All barges on the River Thames above Putney Bridge, whether navigated by sail or towed by steam or horse, shall, between sunset and sunrise, while under way, exhibit in their bows or on their masts a red light of sufficient power to be distinctly visible with a clear atmosphere on a dark night at a distance of at least one mile.

Barge lights.

(a) As to this bye-law, see the Thames Conservancy Bye-laws of January, 1876, made under the Explosives Act, 1875, *supra*, "Forms," Nos. 49 and 49A.

III.

At the Court at Windsor, the 17th day of March, 1875

Present,—The Queen's most excellent Majesty in Council.

Navigation
Rules—
Thames
River.

WHEREAS—[*Here follow recitals the same in terms as the first five recitals in the Order in Council of the 5th of February, 1872, supra, p. 50*]:

And whereas by the twelfth section of "The Thames Conservancy Act, 1867" (which is to be read as one with the Thames Conservancy Acts, 1857 and 1864, and the Navigation Act of 1866), it is enacted, that the said conservators shall have full power and authority to make such rules, regulations and bye-laws as to them may seem necessary for the purpose of regulating the passage of steamers and other vessels and boats on the River Thames on the occasion of any regatta, boat race, public procession or ship launch, or any other occasion when large crowds may assemble thereon:

And whereas the said conservators have, in exercise of the powers conferred upon them by the said recited acts, made and submitted for the allowance of her Majesty in Council, certain rules and bye-laws for the regulation of the navigation of the River Thames and for regulating boat races in the River Thames below Staines:

And whereas the said bye-laws have been duly published in accordance with the said recited acts, and it has been made to appear to her Majesty that the said bye-laws as set forth in the schedule hereunto annexed are reasonable and proper:

Now, therefore, her Majesty, by virtue of the power vested in her by "The Thames Conservancy Act, 1864," and of every other power enabling her in that behalf, by and with the advice of her Privy Council, is pleased to allow the said bye-laws.

Schedule to which the foregoing Order refers.

The Conservators of the River Thames, in exercise of the powers and authority vested in them by "The Thames Conservancy Acts, 1857, 1864, and 1867," and by "The Thames Navigation Acts, 1866 and 1870," and of every authority them hereunto in anywise enabling, do order and direct as follows (that is to say):—

Lights for
sailing vessels
below London
Bridge.

1. All vessels under sail east of London Bridge shall exhibit, between sunset and sunrise, two lights, namely, a green light on the starboard side, so fixed and fitted with an inboard screen as to throw the light from direct ahead to two points abaft the beam on the starboard side, and a red light on the port side so fixed and fitted with an inboard screen as to throw a light from direct ahead to two points abaft the beam on the port side, such lights to be visible on a dark night with a clear atmosphere at a distance of at least one mile.

Lights for
dumb barges
below Charl-
ton Pier.

2. Every person in charge of a dumb barge when under weigh and not in tow, shall, between sunset and sunrise, when below or to the eastward of a line drawn from the upper part of Silvertown, in the county of Essex, to Charlton Pier, in the county of Kent, have a white light always ready, and exhibit the same on the approach of any vessel.

Lights for
barges in tow.

3. The person in charge of the sternmost or last of a line of barges when being towed, shall exhibit, between sunset and sunrise, a white light from the stern of his barge.

Lights for
vessels at
anchor.

4. All vessels and barges, when at anchor in the fairway of the river, shall exhibit the usual riding light.

Lights for
vessels mark-
ing wrecks,
&c.

5. All vessels when employed to mark the positions of wrecks or other obstructions shall exhibit two bright lights placed horizontally not less than six feet apart.

Boat-races,
regattas, &c.,
below Staines.

6. On the occasion of any boat race, regatta, public procession, or ship launch in the River Thames below Staines, or on any other occasion when large crowds assemble thereon, no vessel shall pass on the river so as to obstruct, impede, or interfere with the boat race, regatta, procession, or launch, or to endanger the lives of persons assembling on the river, or to prevent the maintenance of order thereon, and the master of every vessel shall on all such occa-

sions observe the directions of the harbour-master or other officer of the conservators of the Thames engaged in superintending the execution of this bye-law.

7. No vessel shall be moored to or remain at any pier or vessel of or to or at any premises belonging to the conservators of the River Thames without the permission of their officer in charge of such pier, vessel, or premises being first had and obtained, and shall move away when ordered to do so.

8. In construing the sixteenth bye-law of the "Rules and Bye-laws for the Regulation of the Navigation of the River Thames," allowed by her Majesty in council at a court held on the 5th day of February, 1872, the word "burden" shall mean the burden or burthen of a barge as registered at Waterman's Hall.

9. Any master or person in charge of any vessel or barge failing in any respect to comply with or committing any breach or in any way infringing any of these bye-laws, shall be liable to a penalty of, and shall forfeit a sum not exceeding five pounds for each offence, which penalties shall be recovered, enforced, and applied according to the provisions of the "Thames Conservancy Acts, 1857 and 1864."

**Navigation
Rules—
Thames
River.**

No vessels to be moored to piers, &c., without permission.

Interpretation of term "burden" of barges in 16th bye-law, 1872.

Penalty.

IV.

At the Court at Windsor, the 11th day of July, 1877:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS—[*Here follow recitals the same in terms as the first five recitals in the Order in Council of the 5th of February, 1872, supra, p. 50*]:

And whereas by the 12th section of "The Thames Conservancy Act, 1857," and by the 8th, 9th and 35th sections of "The Thames Navigation Act, 1870," further powers were invested in the conservators respecting the making of bye-laws:

And whereas the said conservators have, in exercise of the powers conferred upon them by the said recited acts, made and submitted for the allowance of her Majesty in Council certain rules and bye-laws for the regulation, management and improvement of the navigation of the River Thames and the fisheries thereof; and amongst others, certain bye-laws which have been allowed by Order in Council dated the 5th day of February, 1872:

And whereas it has been deemed expedient by the said conservators to repeal in part the said last-mentioned bye-laws, and to make new bye-laws in lieu of the portion so repealed, in the manner set forth in the schedule hereunto annexed:

And whereas the said conservators have, in exercise of the powers conferred upon them by the said recited acts, made and submitted for the allowance of her Majesty in Council, certain bye-laws for regulating the navigation of steamers and other vessels, and for the removal of weeds:

And whereas the said new bye-laws have been duly published in accordance with the said recited acts, and it has been made to appear to her Majesty that the said new bye-laws are reasonable and proper:

Now, therefore, her Majesty, by virtue of the power vested in her by "The Thames Conservancy Act, 1864," and of every other power enabling her in that behalf, by and with the advice of her Privy Council, is pleased to allow the said bye-laws.

Schedule to which the foregoing Order refers.

The conservators of the River Thames in exercise of the powers and authority vested in them by "The Thames Conservancy Acts, 1857, 1864 and 1867," and by "The Thames Navigation Acts, 1866 and 1870," and of every authority them hereunto in anywise enabling, do order and direct as follows (that is to say):—

1. Bye-Law No. 14 of the Bye-laws of 1872, for the regulation of the navigation of the River Thames, allowed by order of her Majesty in Council on the 5th

**Navigation
Rules—
Thames
River.**

of February, 1872, shall, after these present bye-laws shall have been allowed by Order in Council, be and the same is hereby repealed, and in lieu thereof—

2. All vessels navigating the river between the Albert Bridge at Chelsea and Charlton Pier, shall be navigated singly and separately, except small boats fastened together or towed alongside or astern of other vessels, and except vessels towed by steam.

3. Vessels towed by steam shall be placed two abreast if more than four in number, and not more than six shall be towed together at one time.

4. Above and to the westward of the Albert Bridge at Chelsea six vessels and no more may be towed together in a single line at one time, and the distance between any two of the vessels so towed shall not exceed fifty feet.

5. Every steam vessel before passing any vessel employed in dredging or in lifting any sunken vessel, or in removing any obstruction from the river, shall ease her engines so as to reduce her speed while passing. In construing this bye-law, the word vessel shall have the same interpretation as is assigned to it by Bye-law 2 of the Bye-laws of 1872.

6. All persons cutting weeds in the River Thames, or in any stream, canal or watercourse communicating with the river, shall remove such weeds immediately after cutting, so as to prevent their passing into the river; and no person shall throw or cause to be thrown any weeds, grass or matter of a like nature into the River Thames, or into any stream, canal or watercourse communicating with the river.

7. Any person committing any breach of or in any way infringing any of these bye-laws, shall be liable to a penalty of and shall forfeit a sum not exceeding 5*l.*, which said penalty shall be recovered, enforced and applied according to the "Thames Conservancy Acts, 1857 and 1864."

ORDERS IN COUNCIL relating to Ships Clearing under the Passengers Acts, 1855 and 1863.

I.

At the Court at Osborne House, Isle of Wight, the 3rd day of February, 1863:

Present,—The Queen's most excellent Majesty in Council.

**Passenger
(Emigrant)
Ships—
Preservation
of Order, &c.**

WHEREAS by "The Passengers Act, 1855," it is amongst other things enacted, that it shall be lawful for her Majesty, by any Order in Council, to prescribe such rules and regulations as to her Majesty may seem fit for preserving order, promoting health, and securing cleanliness and ventilation on board of passenger ships proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad; and the said rules and regulations from time to time in like manner to alter, amend and revoke, as occasion may require (a):

And whereas it is expedient to make provision for preserving order in private passenger ships conveying to the colony of Victoria, in Australia, as many as ten unprotected female passengers:

Now, therefore, her Majesty doth, by and with the advice of her Privy Council, and in pursuance and exercise of the authority vested in her by the said "Passengers Act, 1855," order, and it is hereby ordered, that in addition to the rules prescribed in the Order in Council dated the 25th day of February (b), 1856, the rules hereinafter contained shall be observed in respect to unprotected female passengers on board such ships as last aforesaid.

1. In the construction and for the purposes of this Order in Council, the term "unprotected female passengers" shall signify every female

(a) See Passengers Act, 1855, s. 59.

(b) This Order is repealed; see the Order of the 7th of January, 1864, *infra*, p. 62.

**Passenger
(Emigrant)
Ships—
Preservation
of Order, &c.**

passenger between the ages of 12 and 35 proceeding to the colony of Victoria by virtue of a passage warrant issued by the government of that colony, who, if married, shall not be accompanied by her husband, or, if unmarried, shall not be accompanied by her father or stepfather, or by a married brother with his wife, or a married sister with her husband, or by an unmarried brother over the age of 25; the terms "Passengers," "Passenger Ship," and "Master," shall have the same significations as are assigned to them respectively in the said Passengers Act, 1855, and words used in the plural number shall import the singular number also, and the converse, unless inconsistent with the context.

2. All unprotected female passengers shall, during the voyage, be berthed in open berths, in a compartment in the aftermost part of the upper passenger deck of the ship, effectually divided off by substantial bulkheads from the other portions of such deck; and no single men, or men without their wives, shall be berthed next to the bulkhead dividing off such compartment.

3. The children under twelve years of age of married female passengers, unaccompanied by their husbands, shall be berthed with their mothers.

4. There shall be an entrance to such compartment from the upper deck or poop, exclusively appropriated to the use of such female passengers.

5. There shall be carried on board a matron, to be appointed by the owner or master of the ship, and to be charged with the maintenance of discipline among such female passengers as aforesaid.

6. No unprotected female passenger shall on any account be allowed to act or shall act as servant or attendant on the surgeon, master, or any of the officers of the ship, or on any male cabin passenger.

7. All intercourse between unprotected female passengers and any of the officers or crew of the ship, or between such females and any of the male passengers (except brothers or brothers-in-law, and in case of unprotected married women their children) is hereby strictly prohibited.

8. The master of the ship before sailing shall, with the approval of the emigration officer at the port of clearance, mark out the portion of the poop or main deck to be assigned for the purpose of exercise to such unprotected female passengers, who, during the voyage, shall keep within the limits so marked out.

9. Before dark, all such female passengers as aforesaid shall go below to their own compartment, and as soon as they are there collected the master shall lock the entrance, and on no account shall any man enter the compartment during the night, except the surgeon in case of illness, or the officers and crew in case danger to the ship shall render their entrance necessary.

10. If the surgeon is required to attend professionally any of such unprotected female passengers at night, the matron shall accompany and remain with him while he discharges his duties.

11. The master of the ship shall afford to the matron and to the surgeon all the assistance in his power in carrying these regulations into effect.

12. Any person who shall refuse or neglect to obey any of the rules herein contained, or who shall obstruct the surgeon or master of the ship in the execution of any duty hereby imposed on them respectively, or who shall be guilty of insubordinate conduct, shall, on conviction, be liable for each offence to the penalties of fine and imprisonment imposed by the said Passengers Act, 1855.

13. This Order in Council shall not apply to ships chartered by her Majesty's Emigration Commissioners.

And the most noble the Duke of Newcastle, one of her Majesty's principal secretaries of state, is to give the necessary directions herein accordingly.

**Passenger
(Emigrant)
Ships—
Preservation
of Order, &c.**

At the Court at Osborne House, Isle of Wight, the 7th day of January, 1864:
Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Passengers Act, 1855," (a) it is amongst other things enacted that it shall be lawful for her Majesty, by an Order in Council, to prescribe such rules and regulations as to her Majesty may seem fit for preserving order, promoting health, and securing cleanliness and ventilation on board of passenger ships proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad, and the said rules and regulations from time to time in like manner to alter, amend, and revoke, as occasion may require:

And whereas it is expedient to revoke an Order in Council, made at a Court held at Buckingham Palace, on the 25th day of February, 1856, in virtue of the provisions of the said act, and to make a new Order in Council:

Now, therefore, her Majesty doth, by and with the advice of her Privy Council, and in pursuance and exercise of the authority vested in her by the said "Passengers Act, 1855," order, and it is hereby ordered, that the said Order in Council of the 25th day of February, 1856, be, and the same is hereby revoked, and that the following shall henceforth be the rules for preserving order, for promoting health, and for securing cleanliness and ventilation to be observed on board of every passenger ship proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad out of Europe, and not being within the Mediterranean Sea.

1. All passengers who shall not be prevented by sickness or other sufficient cause, to be determined by the surgeon, or, in ships carrying no surgeon, by the master, shall rise not later than 7 o'clock a.m., at which hour the fires shall be lighted.

2. It shall be the duty of the cook or cooks appointed under the 39th section of the said "Passengers Act, 1855," to light the fires, and to take care that they be kept alight during the day, and also to take care that each passenger or family of passengers shall have the use of the fire-place at proper hours, in an order to be fixed by the master.

3. When the passengers are dressed their beds shall be rolled up.

4. The decks, including the space under the bottom of the berths, shall be swept before breakfast, and all dirt thrown overboard.

5. The breakfast hour shall be from 8 to 9 o'clock a.m. Before the commencement of breakfast all the emigrants, except as hereinbefore excepted, are to be out of bed and dressed, and the beds rolled up and the deck on which the emigrants live properly swept.

6. The deck shall be further swept after every meal, and after breakfast is concluded shall be also dry holly-stoned or scraped. This duty, as well as that of cleaning the ladders, hospitals, round-houses, and water-closets, and of pumping water into the cisterns or tanks for the supply of the water-closets, shall be performed by a party who shall be taken in rotation from the adult males above fourteen in the proportion of five to every one hundred emigrants, and shall be considered as sweepers for the day. But the single women shall do all necessary acts for keeping clean and in a proper state their own compartment, where a separate compartment is allotted to them, and the occupant of each berth shall see that his or her own berth is well brushed out.

7. Dinner shall commence at 1 o'clock p.m., and supper at 6 p.m.

8. The fires shall be extinguished at 7 p.m., unless otherwise directed by the master or required for the use of the sick; and the emigrants shall be in their berths at 10 o'clock p.m., except under the permission or authority of the surgeon, or, if there be no surgeon, of the master.

9. On each passenger deck there shall be lit at dusk, and kept burning till day-light, three safety-lamps, and such further number as shall allow one to be placed at each of the hatchways used by passengers.

(a) See sect. 59.

10. No naked light shall be allowed between decks or in the hold at any time or on any account.

11. The scuttles and stern-ports, if any, shall, weather permitting, be opened at 7 o'clock a.m., and kept open till 10 o'clock p.m.; and the hatches shall be kept open whenever the weather permits.

12. The coppers and cooking utensils shall be cleaned every day, and the cisterns kept filled with water.

13. The beds shall be well shaken and aired on deck, weather permitting, at least twice a-week.

14. The bottom boards of the berths, if not fixtures, shall be removed and dry-scrubbed, and weather permitting, taken on deck at least twice a-week.

15. Two days in the week shall be appointed by the master as washing-days, but no washing or drying of clothes shall on any account be permitted between decks.

16. On Sunday mornings the passengers shall be mustered at 10 o'clock a.m., and will be expected to appear in clean and decent apparel. The Lord's day shall be observed as religiously as circumstances will admit.

17. No spirits or gunpowder shall be taken on board by any passenger, and if either of those articles be discovered in the possession of a passenger it shall be taken into the custody of the master during the voyage and not returned to the passenger until he has landed or is on the point of landing.

18. No loose hay or straw shall be allowed below for any purpose.

19. No smoking shall be allowed between decks.

20. The following kinds of misconduct are hereby strictly prohibited; that is to say: All immoral or indecent acts or conduct, taking improper liberties or using improper familiarities with the female passengers, using blasphemous, obscene, or indecent language, or language tending to a breach of the peace, swearing, gambling, drunkenness, fighting, disorderly, riotous, quarrelsome, or insubordinate conduct; also all deposits of filth or offensive acts of uncleanness in the between decks: Provided that no conviction under the said Passengers Act for any of the offences herein specified shall operate as a bar to any civil or criminal proceeding which may in the ordinary course of law be instituted for the same offence by any party aggrieved.

21. Firearms, swords, and other offensive weapons, shall, as soon as the passengers embark, be placed in the custody of the master.

22. No sailors shall be allowed to remain on the passenger deck among the passengers, except on duty.

23. No passenger shall go to the ship's cookhouse without special permission from the master, nor remain in the forecabin among the sailors on any account.

24. In vessels not expressly required by the said "Passengers Act, 1855," to have on board such ventilating apparatus as therein mentioned, such other provision shall be made for ventilation as shall be required by the emigration officer at the port of embarkation, or, in his absence, by the officers of customs.

25. And to prevent all doubt in the construction of this Order in Council, it is hereby further ordered that the terms "United Kingdom," "passenger," "passenger ship," "passenger deck," and "master," shall herein have the same significations as are assigned to them, respectively, in the said "Passengers Act, 1855," and unless inconsistent with the context words of one number shall import both numbers:

And the most noble the Duke of Newcastle, one of her Majesty's principal secretaries of state, is to give the necessary directions herein accordingly.

II.

At the Court at Osborne House, Isle of Wight, the 9th day of August, 1866 :

Present,—The Queen's most excellent Majesty in Council.

**Passenger
(Emigrant)
Ships—
Medical
Officers.**

WHEREAS by "The Passengers Act, 1855," it is enacted that it shall be lawful for her Majesty, by any Order in Council, to prescribe such rules and regulations as to her Majesty may seem fit, for certain purposes in the said act specified, and, amongst others, for requiring duly qualified medical practitioners to be carried in passenger ships, in cases where they would not be required to be carried under the provisions of the said act. And such Order in Council from time to time, in like manner, to alter, amend, and revoke, as occasion may require (a) :

And whereas from the prevalence of choleraic disease in certain parts of the United Kingdom, it has become expedient that her Majesty should exercise the discretion and authority so vested in her as aforesaid :

Now, therefore, her Majesty, by and with the advice of her Privy Council, and in pursuance and exercise of the authority vested in her by the said "Passengers Act, 1855," doth hereby order as follows ; that is to say :

From and after the 20th instant, and so long as this Order shall continue in force, every passenger ship carrying more than fifty passengers on any voyage to which the said act extends, shall, whatever be the duration of the voyage, and subject to the provisions of the 42nd section of the said act, carry a duly qualified medical practitioner, who shall be rated on the ship's articles.

To prevent all doubts in the construction of this Order in Council, it is hereby further ordered, that the terms "passenger" and "passenger ship" shall have the same significations as are assigned to them respectively in the said "Passengers Act, 1855," and unless inconsistent with the context words of one number shall import both numbers :

And the right honorable the Earl of Carnarvon, one of her Majesty's principal secretaries of state, is to give the necessary directions herein accordingly.

III.

At the Court at Windsor, the 28th day of June, 1875 :

Present,—The Queen's most excellent Majesty in Council.

**Passenger
(Emigrant)
Ships—Water
Distilling
Apparatus.**

WHEREAS by "The Passengers Act, 1855," it is, amongst other things, enacted that, before any passenger ship shall be cleared out, the emigration officer at the port of clearance shall satisfy himself that there is on board a sufficient quantity of pure water, carried in tanks or casks, to secure throughout the intended voyage the issue of three quarts daily to each statute adult, for the use of the passengers, exclusive of the quantity required for cooking (a) :

And whereas by the said act it is also enacted that it shall be lawful for her Majesty, by any Order in Council, to prescribe such rules and regulations as to her Majesty may seem fit, for permitting the use on board passenger ships of an apparatus for distilling water, and for defining, in such case, the quantity of fresh water to be carried in tanks or casks for the passengers, and such Order in Council from time to time to alter, amend, and revoke, as occasion may require (b) :

And whereas by "The Merchant Shipping Act, 1872," it is enacted that

(a) See sect. 59.

(b) See sects. 31, 59.

all powers and duties vested in or imposed on the emigration commissioners, whether acting independently or under the sanction or authority of one of her Majesty's principal secretaries of state, by "The Passengers Act, 1855," and "The Passengers Act Amendment Act, 1863," shall be transferred to and imposed on the Board of Trade:

**Passenger
(Emigrant)
Ships—
Water
Distilling
Apparatus.**

And whereas her Majesty, by an Order in Council dated the 6th day of May, 1857, prescribed certain rules for permitting the use on board passenger ships propelled wholly by steam engines of not less power than is sufficient, without the aid of sails, to propel the ship at the rate of five statute miles an hour, having on board, in tanks or casks, only half the quantity of pure water required by the said act to be carried for the use of the passengers, of an efficient apparatus for distilling fresh water from salt water:

And whereas her Majesty, by an Order in Council dated the 5th day of December, 1865, prescribed certain rules and conditions for permitting the use on board passenger ships propelled by sails only, or by steam engines of less power than is sufficient, without the aid of sails, to propel the ship at the rate of five statute miles per hour, of an efficient apparatus for distilling fresh water from salt water, of the description commonly known either as Normandy's patent, as Winchester and Graveley's patent, or as Chaplin and Company's patent:

And whereas it is expedient to revoke the said recited Orders in Council, and to issue in lieu thereof the Order hereinafter contained:

Now, therefore, her Majesty doth, by and with the advice of her Privy Council, and in pursuance and in exercise of the authority vested in her by the said "Passengers Act, 1855," hereby revoke the said Order in Council of the 6th day of May, 1857, and the said Order in Council of the 5th day of December, 1865, except in so far as the latter repeals a certain Order in Council of the 9th day of January, 1863, and doth hereby order as follows:—

Any passenger ship, whether propelled by steam engines or by sails only, or by sails and steam engines, may be cleared out and proceed on her voyage, having on board in tanks or casks only half of the quantity of pure water required by the said act to be carried for the use of the passengers, provided that the following rules and regulations be observed, that is to say:

1. That there be on board such ship an efficient apparatus for distilling fresh water from salt water of such a description as the Board of Trade may from time to time approve.

2. That the owners, charterers, or master of such ship, before clearance, lodge with the emigration officer at the port of clearance, a certificate from one of the engineer surveyors appointed by the Board of Trade, declaring that the apparatus is in good working condition, and that within seven days immediately preceding the date of such certificate the same had been examined by him, and stating the number of imperial gallons of pure fresh water which it is capable of producing in every twenty-four hours, and further declaring that the apparatus on board is such as has been approved by the Board of Trade as aforesaid.

3. That in every case such emigration officer shall be satisfied that the number of gallons of pure water which the apparatus is so certified to be capable of producing in every twenty-four hours, is a number of gallons equal to the whole number of persons about to proceed on the intended voyage of such ship, that is to say, one gallon per head for the whole number of cabin passengers, passengers, and crew.

4. That there is rated on the ship's articles, and that there is on board the ship some person or persons who, to the satisfaction of the said emigration officer, shall be competent for the proper management and repair of such distilling apparatus; and to prevent all doubts on the construction of this Order in Council, it is hereby further ordered that the terms "emigration officer," "statute adult," "master," and "passenger ship,"

Passenger
(Emigrant)
Ships—
Water Dis-
tilling
Apparatus.

shall herein have the same significations as are assigned to them in the said "Passengers Act, 1855," and "The Passengers Act Amendment Act, 1863," respectively, and the term "Board of Trade" shall herein have the meaning assigned to it by "The Merchant Shipping Act, 1854."

ORDERS IN COUNCIL *authorizing Vessels under 60 tons burthen, and belonging to certain foreign Countries and Places, to be piloted and conducted without having a licensed Pilot on board, upon the same terms and conditions as are required in the case of British Ships.*

At the Court at Windsor, the 13th day of December, 1843:

Present,—The Queen's most excellent Majesty in Council.

Pilotage
(Great
Britain)
Exemption.
Small
Foreign
Vessels.

WHEREAS by an act passed in the fourth year of the reign of his late Majesty King George IV. c. 77, intituled, "An Act to authorize his Majesty, under certain circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage," it was, amongst other things, enacted, that it should be lawful for his Majesty, by and with the advice of his Privy Council, or by any Order or Orders in Council, in all cases in which British vessels, of less burthen than 60 tons, are not required by law to take pilots, to exempt foreign vessels, being of less burthen than 60 tons, from taking on board a pilot to conduct them into or from any of the ports of the United Kingdom, any law, custom, or usage to the contrary notwithstanding:

And whereas his said late Majesty King George IV. in Council did, by six several orders respectively, bearing date the 21st of July, 1823, the 18th of November, 1823, the 10th of March, 1824, the 25th of May, 1824, and the 19th of October, 1824, issued in pursuance of the said recited act, grant the exemption, by the said act authorized to be granted as hereinbefore is mentioned, to vessels of less burthen than 60 tons, belonging to the following countries and places (that is to say): The Netherlands, Hanover, Denmark, Hamburg, Lübeck, and Bremen:

And whereas by an act of parliament, passed in the 6th year of the reign of his said late Majesty King George IV., intituled, "An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons," it is enacted that—[*The Order then recites from the 6 Geo. IV. c. 125, so much of section 1 as relates to the repeal of portions of the 4 Geo. 4, c. 77; so much of section 59 as allows a master of a vessel under 60 tons having a British register to pilot the same, and the whole of sections 60 and 89; and continues*]:

And whereas her Majesty is desirous of confirming the exemption so granted as aforesaid to the vessels of the countries and places heretofore mentioned, and of placing such vessels as are hereinafter described, being under 60 tons burthen, upon the same footing, with regard to exemption from pilotage, as vessels of like burthen having a British register, and for that purpose to exercise the powers so vested in her as hereinbefore is mentioned, in manner hereinafter expressed:

Now, therefore, her Majesty, by virtue and in exercise of the powers vested in her by the said recited acts respectively, and of every other powers authorizing her Majesty in that behalf, and by and with the advice of her Privy Council, is pleased to order, and it is hereby ordered, that from and after the date of this order, as respects the ports and places following, namely: the port of Kingston-upon-Hull, the port of Newcastle-upon-Tyne, and the ports and places being members thereof, respectively, and all other ports and places in respect of which the power vested

in her Majesty by virtue of the said recited act, of the 4th year of the reign of his said late Majesty King George IV., is still subsisting, all such vessels as are described in the schedule to this order annexed, being of less burthen than 60 tons, which shall enter into or clear out from any of the said ports or places, shall be, and they are hereby, exempted from taking on board a pilot to conduct them into or from any such port or place, in all cases where British vessels, being of less burthen than 60 tons, are not required by law to take pilots, any law, custom, or usage to the contrary notwithstanding:

Pilotage
(Great
Britain)
Exemption.
Small
Foreign
Vessels.

And it is hereby further ordered, that from and after the date of this order, as respects all other ports and places in the United Kingdom, all such vessels as are described in the schedule to this order annexed, being of less burthen than 60 tons, which shall enter and clear out of any such ports and places, shall be, and they are hereby authorized and permitted to be piloted and conducted without having a duly licensed pilot on board, upon the same terms and conditions as by the said recited act of the 6th year of the reign of his said late Majesty King George IV. are required upon British ships and vessels not exceeding the like burthen:

And the Right Honourable the Lords Commissioners of her Majesty's Treasury are to give the necessary directions accordingly.

SCHEDULE.

1. Vessels belonging to the following countries, viz., France, Sardinia, Portugal, Texas, coming from or departing for the ports of the countries to which they respectively belong, or, if in ballast, coming from or departing for any other place.

2. Vessels belonging to the following countries and places, viz., Sweden and Norway, Russia, Denmark, Hanover, Prussia, the Free Hanseatic Cities of Bremen, Lübeck, Hamburg and Frankfort, the Netherlands, Greece, the United States, Mexico, Columbia, Venezuela, Brazil, Bolivia, Peru, the United Provinces of Rio de la Plata, Uruguay.

Orders in Council of a similar character to the above Order of the 13th of December, 1843, were subsequently made with respect to all ships (irrespective of the places from or to which they were bound) belonging to the under-mentioned countries and places on the respective dates set against the names of such countries and places.

Pilotage
Great
Britain
(Small
Foreign
Vessels).

Countries and Places.	Date of Order in Council.
Austria	September 3rd, 1844.
Mechlenberg-Schwerin	_____
Mechlenberg-Strelitz	_____
Oldenburgh	_____
Two Sicilies	8th August, 1845.

ORDERS IN COUNCIL relating to Pilotage within the Pilotage Jurisdiction of the Trinity House of Deptford Strond (a) (London District and Trinity House Outport Districts).

. The Orders, other than the Order of the 17th of May, 1887, relating to the Bridgewater Trinity Outport District, *infra*, are printed in order of date.

At the Court at Buckingham Palace, the 18th day of February, 1854:

Present,—The Queen's most excellent Majesty in Council.

Pilotage—
Trinity House
of Deptford
Strond
(Exemptions).

WHEREAS by "The Pilotage Law Amendment Act, 1853," sect. 21, it was enacted, that—[*Here follows a recital of the section in question*].

And whereas the Corporation of the Trinity House of Deptford Strond, being the pilotage authority for the port of London and the seas and channels leading thereto according to the meaning of the said recited act, have submitted, for the consent of her Majesty in Council *.*.* certain regulations hereunto annexed for the extension of the exemptions from compulsory pilotage now existing :

And whereas the said regulations appear to be reasonable:

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and with the advice of her Privy Council, is pleased to approve, and does hereby approve, of the said *.*.* regulations so submitted as aforesaid.

Regulation for the extension of the exemptions from compulsory pilotage now existing under the provisions of the 59th section of the act 6 Geo. IV. c. 125, submitted by the Corporation of Trinity House for the consideration of her Majesty in Council, pursuant to the provisions of the 21st section of the act 16 & 17 Vict. c. 129:

The masters of the under-mentioned ships and vessels shall, subject to the provisions contained in the 59th section of the act of parliament 6 Geo. IV. c. 125, in respect of the employment of unlicensed persons, be exempted from compulsory pilotage, viz.:

Of ships and vessels trading to Norway, or to the Cattagat or Baltic, or round the North Cape, or into the White Sea, when coming up by the South Channels:

Of ships and vessels trading to ports between Boulogne inclusive, on their outward passages, and when coming up by the South Channels: ^{+ the Baltic}

Of ships and vessels passing through the limits of any pilotage district on their voyage from one port to another port, and not being bound to any port or place within such limits nor anchoring therein:

Trinity House, 28th December, 1853.

(a) Such Orders in Council as only relate to the dues to be taken in the several Trinity Outport Districts are omitted. See "General Table of Pilotage Authorities," *infra*.

At the Court at Buckingham Palace, the 1st day of May, 1855:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 333rd section of "The Merchant Shipping Act, 1854," it is enacted that, subject to the provisions contained in the fifth part of the act, it shall be lawful for every pilotage authority by bye-law, made with the consent of her Majesty in Council, amongst other things "to determine the qualifications to be required from persons applying to be licensed as pilots," and "to fix the terms and conditions of granting licences to pilots":

And whereas it is expedient to make regulations to determine the qualifications to be required from persons so applying to be licensed, and to fix the terms and conditions of granting such licences:

And whereas, by the 354th section of the said recited act, it is enacted that—[*Here follows a recital of the section*].

And whereas it has been made to appear to the Corporation of the Trinity House of Deptford Strond, being the pilotage authority for the port of London, and the seas and channels leading thereto, according to the meaning of the said recited act, that certain persons, freemen of London and of the Waterman's Company, have for a long period of time been employed in piloting steam passenger ships up and down the River Thames, between London Bridge and Gravesend, without being duly licensed as pilots by the said pilotage authority:

And whereas it has been resolved by the said Corporation of the Trinity House, that such a number of the said persons, being freemen of the said Waterman's Company, as the corporation shall from time to time see fit, shall be licensed as pilots by the corporation for the purpose of piloting "home trade" steam passenger ships up and down the River Thames between London Bridge and Gravesend:

And whereas it has been deemed expedient that the qualification to be required from such last-named persons, and the terms and conditions of granting licences to them should differ and be distinct from the qualification, terms, and conditions which apply to the appointing and licensing of pilots for the general service within the said London district, and it is intended to designate such persons to be so licensed as "watermen pilots for home trade steam passenger ships":

And whereas the said corporation have submitted, for the consent of her Majesty in Council, certain regulations (hereunto annexed), for the licensing of persons as pilots; and whereas the said regulations appear to be proper and reasonable:

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to approve, and doth hereby approve, of the said regulations so submitted as aforesaid.

Pilotage—
Trinity House
of Deptford
Strond
(Qualifica-
tions of
Trinity House
Pilots and
Watermen
Pilots for
Home Trade
Passenger
Ships
between Lon-
don Bridge
and
Gravesend).

REGULATIONS.

First.—All persons applying for licences as pilots in the London district (except freemen of the said Waterman's Company applying to be licensed for home trade steam passenger ships), shall produce such certificates as shall be deemed satisfactory by the Trinity House, previously to examination, as in the said act provided, on the following points, viz.:—

- 1st. Their qualification by previous service, under the rule hereinafter provided;
- 2nd. Their previous good conduct and habits of sobriety;
- 3rd. Their age; and
- 4th. That they are in good health, and not afflicted with any bodily complaint or infirmity rendering them unfit properly to perform the duties of a pilot, which last certificate shall be under the hand of a duly authorized medical practitioner.

**Pilotage—
Trinity
House
of Deptford
Strond
(Certificates
of Masters
and Mates).**

Fifth.—Every person holding a certificate granted by the Trinity House, shall from time to time conform himself strictly to all directions which shall be given to him by any of the harbour masters, authorized by act of parliament under the corporation of the city of London, touching the mooring, unmooring, placing or removing of any ship or vessel under his charge, so long as such ship or vessel shall be lying and situate within the limits of the authority of such harbour master.

Sixth.—Every person holding a certificate granted by the Trinity House, who shall offend against any or either of the preceding regulations, shall for every such offence, whether the same shall subject him to any pecuniary penalty or not, and in addition to such penalty (if any) be liable to have his certificate annulled and forfeited or suspended, at the discretion of the Trinity House.



At the Court at Buckingham Palace, the 16th day of July, 1857 (a):

Present.—The Queen's most excellent Majesty in Council.

**Pilotage—
Trinity
House
of Deptford
Strond
(Exemptions).
Ships con-
ducted by
Masters hav-
ing Pilotage
Certificates.**

WHEREAS by the 379th section of "The Merchant Shipping Act, 1854," it is enacted that—[*Here follows a recital of the section in question*].

And whereas it is expedient that such ships as aforesaid shall be exempted from compulsory pilotage as well when carrying passengers, as when not carrying passengers; and by the 332nd section of the said act it is enacted that every pilotage authority shall have power by bye-law, made with the consent of her Majesty in Council, to exempt the masters of any ships, or of any classes of ships, from being compelled to employ qualified pilots; and to annex any terms and conditions to such exemptions; and to revise and extend any exemptions now existing by virtue of the said act upon such terms and conditions, and in such manner, as may appear desirable to such authority:

And whereas the Trinity House, as a pilotage authority under the said act, has submitted for the consent of her Majesty in Council the following bye-law; viz.:

"That all ships mentioned in the 379th section of 'The Merchant Shipping Act, 1854,' shall be exempted from compulsory pilotage in the London district, and in the Trinity House Outport Districts, as well when carrying passengers as when not carrying passengers, provided, as regards any such ship when carrying passengers, the master or his mate have a pilotage certificate in force for the time being, enabling such master or mate to pilot such ship within such district or districts, granted under the provisions either of the 340th or of the 355th section of the said act."

And whereas it has been made to appear to her Majesty that the said bye-law is proper and reasonable:

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to approve, and doth hereby approve and signify her consent to, the said bye-law, as a bye-law of the corporation of the Trinity House of Deptford Strond.

(a) The above bye-law, so far as it purports to restrict any exemption then existing from compulsory pilotage, has been held by the Judicial Committee of the Privy Council to be *ultra vires*. See *The Earl of Auckland, Lush*, 387.



At the Court at Buckingham Palace, the 16th day of July, 1857 :

Present,—The Queen's Most excellent Majesty in Council.

WHEREAS by the 340th section of "The Merchant Shipping Act, 1854," it is enacted, that—[*Here follows a recital of the section*].

And whereas by the 332nd section of that act, it is enacted, that—[*Here follows a recital of the section*].

And whereas it appears desirable to the Trinity House of Deptford Strond, as a pilotage authority under the said act, to revise and extend the exemptions now existing by virtue of the said act, upon the terms and conditions and in manner hereinafter mentioned; and the Trinity House have for that purpose submitted to her Majesty in Council the following bye-law, viz.:—

"That any master or mate who holds a pilotage certificate granted by the said Trinity House under the said act, enabling him to pilot any ship or ships, shall be qualified to pilot any other ship or ships belonging to the same owner or owners as the ship or ships for which his certificate was granted, within the limits described in such certificate, without being compelled to employ a pilot, on the following conditions, viz.:—

"That the ship or ships which he is so qualified to pilot shall be of no greater draught of water than the ship or ships in respect of which his certificate was granted.

"And that the name and description of every ship which he is so qualified to pilot shall have been by, or with the consent of, the said Trinity House first added to, or endorsed upon, his certificate."

And whereas it has been made to appear to her Majesty that the said bye-law is proper and reasonable:

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to approve, and doth hereby approve and consent to, the said bye-law as a bye-law of the corporation of the Trinity House of Deptford Strond.

Pilotage—
Trinity
House
of Deptford
Strond
(Exemptions).
Masters or
Mates having
Pilotage Cer-
tificates may
pilot other
Ships belong-
ing to the
same Owners.

At the Court at Osborne House, Isle of Wight, the 25th day of July, 1861 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS in certain cases ships navigating in ballast from ports or places within the United Kingdom, to other ports or places within the United Kingdom, are not exempted from compulsory pilotage :

And whereas it is expedient that such ships should have the privilege of being exempt from pilotage in the cases hereinafter mentioned :

And whereas by the 332nd section of "The Merchant Shipping Act, 1854," it is enacted, that "every pilotage authority shall have power, by bye-law made with the consent of her Majesty in Council, to exempt the masters of any ships, or of any classes of ships from being compelled to employ qualified pilots, and to annex any terms and conditions to such exemptions:"

Pilotage—
Trinity
House
of Deptford
Strond
(Exemptions).
Vessels in
Ballast.

**Pilotage—
Trinity
House
of Deptford
Strond
(Exemptions).
Vessels in
Ballast.**

And whereas the Trinity House of Deptford Strond, being a pilotage authority, hath submitted for the consent of her Majesty in Council the following bye-law, viz. :—

“That all ships navigating in ballast from any port or place in the United Kingdom, to any other port or place in the United Kingdom, shall, when not carrying passengers, be exempt from compulsory pilotage within the pilotage jurisdiction of the said Trinity House.”

Now, therefore, her Majesty, having taken the said bye-law into consideration, is pleased by and with the advice of her Privy Council, and by virtue of the power vested in her by the said recited act, to declare her consent to the same, and the said bye-law is hereby approved accordingly (a).

At the Court at Osborne House, Isle of Wight, the 1st day of
November, 1862 :

Present,—The Queen's most excellent Majesty in Council (b).

**Pilotage—
Trinity
House
of Deptford
Strond
(Rates)
London and
English
Channel
Districts.**

WHEREAS by “The Merchant Shipping Act, 1854,” it is enacted that, subject to the provisions contained in the 5th part of that act, it shall be lawful for every pilotage authority by bye-law made by the consent of her Majesty in Council from time to time to do within its districts all or any the things specified in that behalf in the said section :

And whereas the Trinity House Corporation being the pilotage authority under the said act for the London and English Channels Districts, the limits whereof now are “the waters of the Thames and Medway, as high as London Bridge and Rochester Bridge respectively, and also the seas and channels leading thereto, and therefrom as far as Orfordness to the north and Dungeness to the south, and the seas between Dungeness and the Isle of Wight,” has submitted for the consent of her Majesty in Council the bye-law whereof a copy is set forth in the schedule hereunto annexed with respect to the pilotage of the said London and English Channel Districts :

And whereas it has been made to appear to her Majesty that the said bye-law is proper and reasonable :

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to approve, and does hereby approve, of and signify her consent to the said bye-law as a bye-law of the said Trinity House, with respect to the pilotage of the London and English Channel Districts.

[Schedule.

(a) Under an Order of the 21st of November, 1855 (Gazetted November 30th, 1855), ships arriving from foreign ports at ports or places in the United Kingdom, within the pilotage jurisdiction of the Trinity House, and provided with certain certificates from the Trinity House, were declared to be exempt from compulsory pilotage when

navigating from thence in ballast within the pilotage jurisdiction of the Trinity House to a port or place in the United Kingdom, for the purpose of taking in cargo for delivery at some other port or place in the United Kingdom.

(b) See the Order of the 5th of February, 1873, *infra*, p. 78.

Pilotage—
Trinity
House of
Deptford
Strond
(Rates)
London
and
English
Channel
Districts.

TABLE OF THE RATES OF PILOTAGE—(continued).

FROM	TO	7 Feet and under	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.	13 Feet.	14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet.
Gravesend Reach and <i>vice versa</i>	Greenhithe or Long Reach.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Erith	0 9 0	13 0	17 0	1 0 1	5 0 1	9 0 1	13 0	1 18 0	2 3 0	3 9 0	5 15 0	7 20 0	8 3 0	9 11 0	10 4 0	11 10 0	12 5 0
	Woolwich or Blackwall	0 15 0	1 0 1	5 0 1	10 0 1	15 0 2	0 0 2	5 0	2 11 0	2 17 0	3 4 0	5 11 0	7 16 0	8 11 0	9 5 0	10 17 0	11 7 0	12 15 0
	Mooring, London Docks, City Canal, or St. Katharine's Docks	1 0 0	1 6 0	1 12 0	1 16 0	2 4 0	2 10 0	2 16 0	3 4 0	3 11 0	3 19 0	4 7 0	4 19 0	5 11 0	6 11 0	7 11 0	8 16 0	9 1 0
	Sheerness, Stangate Creek or Blackstake	1 4 0	1 11 0	1 18 0	2 5 0	2 12 0	2 19 0	3 6 0	3 14 0	4 2 0	4 11 0	5 0 0	5 15 0	6 10 0	7 15 0	8 0 0	10 10 0	12 0 0
Erith Reach and <i>vice versa</i>	Greenhithe or Long Reach.	2 10 0	16 0	3 0 3	4 0 3	10 0	15 0 4	0 0	4 7 0	4 14 0	5 4 0	5 14 0	6 6 0	6 18 0	7 13 0	8 9 0	9 6 0	10 4 0
	Woolwich or Blackwall	2 18 0	3 0 3	8 0 3	13 0	18 0 4	3 0 4	8 0	4 15 0	5 2 0	5 12 0	6 2 0	6 17 0	7 12 0	8 5 0	9 8 0	10 8 0	11 8 0
	Mooring, London Docks, City Canal, or St. Katharine's Docks	0 15 0	18 0	1 0 1	4 0 1	9 0 1	14 0	1 19 0	2 5 0	2 11 0	2 18 0	3 5 0	3 13 0	4 1 0	4 11 0	5 1 0	5 13 0	6 5 0
	Sheerness, Stangate Creek, or Blackstake	1 1 0	1 4 0	1 7 0	1 10 0	1 15 0	2 0 2	5 0	2 11 0	2 17 0	3 4 0	3 11 0	3 19 0	4 7 0	4 17 0	5 7 0	5 19 0	6 11 0
	Woolwich or Blackwall	0 17 0	1 0 1	3 0 1	6 0 1	12 0	1 18 0	2 4 0	2 12 0	3 0 0	3 9 0	3 18 0	4 8 0	4 18 0	5 16 0	6 14 0	7 14 0	8 14 0
Greenhithe, or Long Reach, and <i>vice versa</i>	Woolwich or Blackwall	1 3 0	1 6 0	1 9 0	1 14 0	2 0 2	10 0	2 18 0	3 6 0	3 14 0	4 3 0	4 12 0	5 4 0	5 16 0	6 11 0	7 6 0	8 11 0	9 16 0
	Mooring, London Docks, City Canal, or St. Katharine's Docks	2 18 0	3 1 0	3 4 0	7 0 3	14 0 4	1 0 4	8 0	4 15 0	5 2 0	5 10 0	5 18 0	6 8 0	6 18 0	7 13 0	8 9 0	9 6 0	10 4 0
	Sheerness, Stangate Creek, or Blackstake	3 6 0	3 9 0	3 12 0	3 15 0	4 3 0	4 11 0	4 19 0	5 7 0	5 13 0	6 3 0	6 13 0	7 8 0	8 3 0	8 14 0	9 4 0	10 19 0	11 19 0
	Woolwich or Blackwall, and <i>vice versa</i>	0 17 0	1 0 1	3 0 1	6 0 1	9 0 1	12 0	1 15 0	1 18 0	2 2 0	2 6 0	2 10 0	2 14 0	2 18 0	3 2 0	3 6 0	3 10 0	3 14 0
	Sheerness, Stangate Creek, or Blackstake	3 6 0	3 10 0	3 14 0	3 18 0	4 2 0	4 10 0	4 18 0	5 8 0	5 18 0	6 10 0	7 2 0	7 14 0	8 5 0	8 14 0	10 0	11 15 0	13 0 0
Chatham	Greenhithe or Long Reach.	3 14 0	3 17 0	4 0 4	8 0 4	11 0	4 19 0	5 7 0	5 17 0	6 7 0	6 19 0	7 11 0	8 5 0	8 14 0	9 4 0	11 0	12 5 0	13 10 0
	Woolwich or Blackwall	1 15 0	1 18 0	2 1 0	4 0 2	11 0	2 18 0	3 6 0	3 12 0	3 19 0	4 6 0	4 13 0	5 0 0	5 7 0	6 14 0	6 1 0	6 11 0	7 1 0
	Mooring, London Docks, City Canal, or St. Katharine's Docks	0 17 0	1 0 1	3 0 1	6 0 1	9 0 1	12 0	1 15 0	1 18 0	2 2 0	2 6 0	2 10 0	2 14 0	2 18 0	3 2 0	3 6 0	3 10 0	3 14 0
	Sheerness, Stangate Creek, or Blackstake	3 6 0	3 10 0	3 14 0	3 18 0	4 2 0	4 10 0	4 18 0	5 8 0	5 18 0	6 10 0	7 2 0	7 14 0	8 5 0	8 14 0	10 0	11 15 0	13 0 0
	Chatham	3 14 0	3 17 0	4 0 4	8 0 4	11 0	4 19 0	5 7 0	5 17 0	6 7 0	6 19 0	7 11 0	8 5 0	8 14 0	9 4 0	11 0	12 5 0	13 10 0
From Sea in or out of Ramsgate, Margate, Dover or Sandwich Harbours, 5/- per Foot of the Vessel's Draft of Water.		1 15 0	1 18 0	2 1 0	4 0 2	11 0	2 18 0	3 6 0	3 12 0	3 19 0	4 6 0	4 13 0	5 0 0	5 7 0	6 14 0	6 1 0	6 11 0	7 1 0

For vessels exceeding 23 feet, an increase in the rates for each foot or part of a foot, in the same proportion as between 22 and 23 feet.

The several rates and prices specified above are subject to a reduction of one-fourth part, in respect of vessels propelled by steam, and vessels towed by steam vessels, provided that if any such vessel shall be propelled by steam, or towed by a steam vessel for a part only of the distance for which any such rate or price may be payable, the reduction of one-fourth shall be made on such part only of the said rate or price as shall be proportionate to the distance so propelled or towed.

FOR PAYING A PILOT ON BOARD A VESSEL RETURN FROM THE OUTRIGS OR FROM THE SHORE.

60 Tons and under 160.	160 Tons and under 360.	360 Tons and under 400.	400 Tons and under 600.	600 Tons and under 1,000.	1,000 Tons and upwards.
£ s. d. 1 0 0	£ s. d. 1 5 0	£ s. d. 1 10 0	£ s. d. 2 0 0	£ s. d. 2 10 0	£ s. d. 3 3 0

Vessels not exceeding 70 tons, chiefly laden inwards with fish, corn or other provisions, are to pay during the summer months, viz.: from Lady-day to Michaelmas-day inclusive, the following rates only, viz.:—

From Sea to London or vice versa £4 14 6
 „ Gravesend to London or vice versa 1 5 0

Vessels exceeding 70 tons and not exceeding 100 tons, chiefly laden inwards with fish, corn or other provisions, are to pay during the summer months, viz.: from Lady-day to Michaelmas day inclusive, the following rates for the outward voyage, viz.:—

From London to Gravesend £1 5 0
 Do. to the Nore 2 18 0
 Do. to the Sea 5 5 0

A pilot taking charge of a foreign vessel, on board of which there may not be any individual qualified to interpret his orders, shall be authorized to employ a person to assist him as leadman or interpreter; provided it be distinctly understood that the necessity for the employment of such person shall be proved to the satisfaction of the Corporation of Trinity House, in which case only the following rates shall be chargeable in addition to the regular pilotage, viz.:

For the whole run from Sea to Gravesend £2 10 0
 Do. from Gravesend to Sea 1 0 0

ORDERS IN COUNCIL.

The additional rate, for intermediate portions of a foot in the draft, to be regulated as follows, viz.:—

For three inches and under... No addition.
 For more than three inches }
 and under nine inches .. } The medium between the two rates.
 For nine inches and upward.. } The rate for the next foot.

For removing a ship or vessel from moorings into a dry or wet dock, or from one part of the river situated above Blackwall to another part of the river so situated:—

For a ship under 300 tons..... £0 15 0
 Do. of 300 to 600 tons 1 1 0
 Do. of 600 to 1,000 tons 1 11 6
 Do. above 1,000 tons 2 2 0

In the Thames above Gravesend,

For a boat of a class carrying an anchor of above 4 cwt. } £2 2 0
 with a corresponding tow line }
 For a boat of a class carrying an anchor of above 2 cwt. } 1 1 0
 with a corresponding tow line }
 For a boat of a class carrying an anchor of under 2 cwt. } 0 15 0
 with a corresponding tow line }

Per trip for the whole distance from Gravesend to London, and in proportion for any part of that distance. And for each man's service in those boats 8s. per tide.

Pilotage—
 Trinity
 House of
 Deptford
 Strand
 (Rates)
 London
 and
 English
 Channel
 Districts.

At the Court at Windsor, the 21st day of December, 1871:

Present,—The Queen's most excellent Majesty in Council.

**Pilotage—
Trinity
House
of Deptford
Strond
(Exemptions
—Ships
trading to
Brest, &c.).**

WHEREAS by the 332nd section of "The Merchant Shipping Act, 1854," it is enacted, that every pilotage authority shall have power by bye-law, made with the consent of her Majesty in Council, to exempt the masters of any ships, or of any classes of ships, from being compelled to employ qualified pilots, and to annex any terms or conditions to such exemptions, and to revise and extend any exemptions now existing, by virtue of that act, or any other act of parliament, law or charter, or by usage, upon such terms and conditions, and in such manner, as may appear desirable to such authority:

And whereas by the 379th section of the said act, it is enacted, that the following ships (among others), when not carrying passengers, shall be exempted from compulsory pilotage in the London District, and the Trinity House Outport Districts (that is to say):—

"Ships trading to Boulogne, or to any place in Europe north of Boulogne.

"Ships from Guernsey, Jersey, Alderney, Sark or Man, which are wholly laden with stone, being the produce of those islands."

And whereas it is expedient to extend the exemptions contained in the last-mentioned section in manner hereinafter mentioned:

And whereas the Trinity House of Deptford Strond, being the pilotage authority for the said districts, hath submitted for the consideration of her Majesty in Council the following bye-law (that is to say):—

That all ships trading from any port or place in Great Britain, within the London District, or any of the Trinity House Outport Districts to the port of Brest, in France, or any port or place in Europe north and east of Brest, or to the islands of Guernsey, Jersey, Alderney, Sark or Man, or from Brest, or any port or place in Europe north and east of Brest, or from the islands of Guernsey, Jersey, Alderney, Sark or Man, to any port or place in Great Britain within either of the said districts, when not carrying passengers, shall be exempted from compulsory pilotage within such districts.

Now, therefore, her Majesty, having taken the said bye-law into consideration, and deeming the same to be reasonable and proper, is pleased, by and with the advice of her Privy Council, and by virtue of the power vested in her by the said recited act, to declare her consent to the same, and the said bye-law is hereby approved accordingly.

At the Court at Osborne House, Isle of Wight, the 5th day of February, 1873:

Present,—The Queen's most excellent Majesty in Council.

**Pilotage—
Trinity
House
of Deptford
Strond
(Rates for
exempted
Ships
between
London
Bridge and
Gravesend).**

WHEREAS by the 9th section of "The Merchant Shipping Act, 1872," it is enacted, that the Trinity House may, by bye-law made with the sanction of her Majesty in Council, repeal or relax the provisions of the 358th section of "The Merchant Shipping Act, 1854," within the whole or any part of their district, as far as to allow any pilot or class of pilots under their jurisdiction to demand or receive, and any master to offer or pay, any rate less than the rate for the time being demandable by law:

And whereas it appears to the Trinity House expedient to relax the provisions of the said section in respect of pilotage services on the River

Thames between London Bridge and Gravesend (being a district of the Trinity House), to the extent hereinafter appearing:

And whereas the Trinity House hath submitted for the sanction of her Majesty in Council the following bye-law (that is to say):

From and after the 1st day of January, 1873, no pilot licensed by the Trinity House for the River Thames between Gravesend and London Bridge only shall incur any penalty for demanding or receiving, in respect of the pilotage within the limits aforesaid, of any ship exempted from compulsory pilotage any rate less than the rate for the time being demandable by law in respect of such ship, and no master of any such ship shall incur any penalty for offering or paying, in respect of the pilotage of any such ship within the limits aforesaid, any rate less than the rate for the time being demandable by law in respect of such ship, anything contained in the 358th section of "The Merchant Shipping Act, 1854," to the contrary notwithstanding:

Now, therefore, her Majesty having taken the said bye-law into consideration, and deeming the same to be reasonable and proper, is pleased, by and with the advice of her Privy Council, and by virtue of the power vested in her by the said recited act, to declare her consent to the same, and the said bye-law is hereby approved accordingly.

Pilotage—
Trinity
House
of Deptford
Strond
(Rates for
exempted
Ships
between
London
Bridge and
Gravesend).

At the Court at Osborne House, Isle of Wight, the 5th day of
February, 1873:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 333rd section of "The Merchant Shipping Act, 1854," it is enacted, that, subject to the provisions contained in the fifth part of the act, it shall be lawful for every pilotage authority by bye-law, made with the consent of her Majesty in Council, amongst other things, "to determine the qualifications to be required from persons applying to be licensed as pilots," and "to fix the terms and conditions of granting licences to pilots":

And whereas it is expedient to make regulations to determine the qualifications to be required from persons so applying to be licensed, and to fix the terms and conditions of granting such licences:

And whereas it has been made to appear to the corporation of the Trinity House of Deptford Strond, being the pilotage authority for the port of London, and the seas and channels leading thereto, according to the meaning of the said recited act, that certain persons have for a long period of time been employed in piloting ships up and down the River Thames, between London Bridge and Gravesend, without being duly licensed as pilots by the said pilotage authority:

And whereas it has been resolved by the said corporation of the Trinity House that such a number of the said persons as the corporation shall from time to time see fit shall be licensed as pilots by the corporation, for the purpose of piloting ships exempted from compulsory pilotage up and down the River Thames, between London Bridge and Gravesend, on and after the 1st day of January, 1873:

And whereas it has been deemed expedient that the qualification to be required from such last-named persons, and the terms and conditions of granting licences to them should differ and be distinct from the qualifications, terms, and conditions which apply to the appointing and licensing of pilots for the general service within the said London district, and it is intended to designate such persons to be so licensed as "pilots for exempted ships:"

Pilotage—
Trinity
House
of Deptford
Strond
(Pilots for
Exempted
Ships).

**Pilotage—
Trinity
House
of Deptford
Strand
(Pilots for
Exempted
Ships).**

And whereas the said corporation have submitted for the consent of her Majesty in Council certain regulations (hereunto annexed) for the licensing of persons as pilots, and whereas the said regulations appear to be proper and reasonable:

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to approve, and doth hereby approve, of the said regulations so submitted as aforesaid.

Regulations referred to in the foregoing Order.

I. All persons applying for licences as pilots for such exempted ships on the River Thames between London Bridge and Gravesend, shall produce such certificates as shall be deemed satisfactory by the Trinity House previously to examination, as in the said act provided, on the following points, viz.:—

- (1.) Their qualification by previous service under the rule hereinafter provided:
- (2.) Their previous good conduct and habits of sobriety:
- (3.) That they are in good health, and not afflicted with any bodily complaint or infirmity, rendering them unfit to perform the duties of a pilot, which last certificate shall be under the hand of a duly authorized medical practitioner:

II. Any person who shall be able to prove to the satisfaction of the Trinity House that he has piloted ships on the River Thames, between London Bridge and Gravesend, for a period of two years previously to the date of this bye-law, or that he is otherwise eligible by practical experience in the navigation of vessels within that district, shall be deemed qualified, after examination, as in the said act provided, to be licensed as a pilot for the navigation up and down the River Thames between London Bridge and Gravesend, subject to the following terms and conditions, viz.:—

- (1.) That such licence shall authorize him to act as pilot only on board such exempted ships, and no others; all pilots so licensed, being intended to be designated "Pilots for exempted ships:"
- (2.) That such licence shall not authorize him to supersede, in the charge of any ship, any other pilot duly licensed by the Trinity House for the said navigation between London Bridge and Gravesend:
- (3.) That he shall be subject to all bye-laws, rules, orders, and regulations, made, or hereafter to be made by the Trinity House, for the government of pilots generally, and to all penalties thereby imposed and provided, unless specially exempted therefrom:
- (4.) That he shall pay the like sums of money as are payable by pilots licensed for the London district on their appointment, and on the annual renewal of their licences, but shall not be required to pay to the Pilot's Fund the poundage of sixpence in the pound upon the pilotage earnings of pilots licensed by the Trinity House, as provided by the 385th section of the said act, nor shall he or his widow or children be entitled to any benefit from the said Pilot's Fund.



At the Court at Balmoral, the 20th day of November, 1873:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 11th section of "The Merchant Shipping Act, 1872," it is enacted that—[*Here follows a recital of the section in question*].

And whereas the Trinity House of Deptford Strond, being a pilotage authority within the meaning of the said recited act, desire to obtain authority to grant from time to time special licences qualifying the persons to whom such licences are granted to act as pilots for any part of the sea or channels beyond the limits of any pilotage authority, subject to the provisions of the said act in that behalf, and to the regulations set forth in the schedule hereto annexed, and they have accordingly submitted the regulations in the said schedule for the consent of her Majesty in Council:

And whereas it has been made to appear to her Majesty that, subject to the provisions hereinafter contained, the said regulations are reasonable and proper:

Now, therefore, her Majesty, by and with the advice of her Privy Council, is pleased hereby to authorize the Trinity House of Deptford Strond to grant special licences qualifying the persons to whom they are granted to act as pilots for any part of the sea or channels beyond the limits of any pilotage authority, subject, however, to the provisions of the said recited act, to the regulations set forth in the schedule hereunto annexed, and to the following conditions, viz.:

- (a) That there shall be no limitation as to the number of the persons to be licensed under the said regulations.
- (b) That it shall be lawful for her Majesty, and with the advice aforesaid, from time to time by Order in Council, to amend, alter or revoke the present Order.

Schedule referred to in the foregoing Order.

REGULATIONS.

I. All persons applying to the Trinity House for licences as pilots for any part of the sea or channels beyond the limits of any pilotage authority, shall produce such certificates as shall be deemed satisfactory by the Trinity House previously to examination on the following points, viz.:

- (a.) Their qualifications by previous service;
- (b.) Their previous good conduct and habits of sobriety;
- (c.) That they are in good health, and not afflicted with any bodily complaint or infirmity, rendering them unfit properly to perform the duties of a pilot, which last certificate shall be under the hand of a duly authorized medical practitioner.

II. Any person being able to prove to the satisfaction of the Trinity House that he has obtained a practical knowledge of seamanship by service at sea, for a period of not less than five years shall, subject to such examination as the Trinity House shall think fit, be deemed eligible to be specially licensed to act as a pilot for any part of the sea or channels beyond the limits of any pilotage authority, subject to the following terms and conditions:—

- (a.) That the special licence to be granted to any such person shall only authorize him to act as pilot on board ships outside the limits of any pilotage district, and not within the limits of any such district;
- (b.) That he shall be subject to all rules and regulations made or hereafter to be made by the Trinity House for the government of pilots generally;
- (c.) That he shall pay the sum of two guineas on receiving his licence, and one guinea on the annual renewal of his licence; but he shall not be required to pay poundage, or otherwise to contribute to the Pilots' Fund, as provided by the 385th section of "The Merchant Shipping Act, 1854;" nor shall he or his widow or children be entitled to any benefit from the said Pilots' Fund.

Pilotage—
Trinity
House
of Deptford
Strond
(Special
Licences).

At the Court at Osborne House, Isle of Wight, the 17th day of May, 1867:

Present,—The Queen's most excellent Majesty in Council.

Pilotage—
Trinity
House
of Deptford
Strond
(Bridgewater
Outport
District).

WHEREAS by the 333rd section of "The Merchant Shipping Act, 1854," it is enacted that, subject to the provisions contained in the fifth part of that act, it shall be lawful for every pilotage authority by bye-law, made with the consent of her Majesty in Council, from time to time, to do all or any of the things therein mentioned within its districts, and amongst other things—[*Here follows a recital of the 6th sub-section of the section in question*].

And whereas the corporation of Trinity House, of Deptford Strond (being a pilotage authority within the meaning of the said act), has, and exercises under the act 8 & 9 Vict. c. 89, power to license pilots for the port of Bridgewater and its navigation, which district includes a portion of the Bristol Channel:

And whereas the mayor, burgesses, and commonalty of the city of Bristol, under the act 47 Geo. 3, c. xxxiii., and the pilotage board of the port of Cardiff, the pilotage board of the port of Newport, and the pilotage board of the port of Gloucester, under the act 24 & 25 Vict. c. cccxxvi. (the said several bodies being respectively pilotage authorities within the meaning of the said "Merchant Shipping Act, 1854") have also power to license pilots for the Bristol Channel, including the portion thereof within the said district of the said corporation of Trinity House:

And whereas the above-mentioned pilotage authorities have agreed and proposed that for the purpose of facilitating navigation, the limits of the said district, within which the said corporation of Trinity House has and exercises the power of licensing pilots for the port of Bridgewater and its navigation, should be altered and extended, so as to include within it such parts of the Bristol Channel at present not included within it as lie on the south-east side of and are comprised within an imaginary straight line drawn from Anchor Head, in the county of Somerset, on the east, to Watchet, in the same county, on the west:

And whereas the above-mentioned pilotage authorities have, with the view of effecting such proposed alteration and extension of district, made and submitted to her Majesty a bye-law, which is set forth in the schedule hereunto annexed; and whereas it has been made to appear to her Majesty that such bye-law is reasonable and proper:

Now, therefore, her Majesty, by virtue of the powers vested in her by the said "Merchant Shipping Act, 1854," and all other powers vested in and belonging to her in that behalf, and by and with the advice of her Privy Council, is pleased to approve and doth hereby give her assent to the said bye-law.

Schedule referred to in the foregoing Order.

The limits of the district within which the corporation of Trinity House of Deptford Strond are authorized to license pilots for the port of Bridgewater aforesaid, and its navigation, shall be altered and extended; and such district shall include all such parts of the Bristol Channel and adjacent rivers and creeks at present not included in such district, as lie on the south-east side of and are comprised within an imaginary straight line drawn from Anchor Head, in the county of Somerset, on the east, to Watchet, in the same county, on the west; and the said corporation of Trinity House shall and may exercise and enjoy all such powers, rights, and privileges within the limits of the said extended district as they have heretofore exercised and enjoyed, and now exercise and enjoy, within the limits of their original district for the port of Bridgewater aforesaid, and its navigation; such powers, rights, and privileges, nevertheless, so far as relates to the addition made to the said original district by this bye-law, being concurrent with and not in exclusion of the powers, rights, and privileges heretofore exercised and enjoyed and now exercised and enjoyed by the above-named pilotage authorities (other than the said corporation of Trinity House) within the said addition to the said original district.

ORDER IN COUNCIL relating to the Exemption of Vessels from compulsory Pilotage in the Hull Trinity House Pilotage District.

At the Court at Balmoral the 20th day of November, 1873 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 333rd section of "The Merchant Shipping Act, 1854," it is enacted, that, subject to the provisions contained in the fifth part of the act, it shall be lawful for every pilotage authority by bye-law, with the consent of her Majesty in Council, from time to time, to do within its district all or any of the things specified in that behalf in that section, among which things are—*[Here follows a recital of the 4th and 8th sub-sections of the section in question].*

**Pilotage—
Trinity
House of
Hull
(Exemptions).**

And whereas the corporation of the Guild or Brotherhood of Masters and Pilots, seamen of the Trinity House in Kingston-upon-Hull, herein-after called the Hull Trinity House, have, in exercise of the powers vested in them by that act, made and submitted for the consent of her Majesty certain bye-laws and regulations which have been approved by Order in Council, dated the 11th day of January, 1859, one of which bye-laws—*[Here follows a recital of one of the above-mentioned bye-laws, fixing the rate of pilotage to be paid by steam vessels, and vessels towed by steam vessels, under the direction of the pilots, as therein mentioned].*

And whereas the said Hull Trinity House have submitted to the approval of her Majesty the repeal of the above recited bye-law, and a substitution of a new bye-law, a copy of which is set forth in the schedule hereto annexed, and is numbered (1):

And whereas ships not exceeding the burthen of sixty tons are now by law exempt from pilotage between the port of Goole and Hull Roads, and *vice versâ*, and the said Hull Trinity House have submitted for the approval of her Majesty that it is expedient that such exemption should be extended in manner hereinafter appearing in a new bye-law, a copy of which is set forth in the schedule hereto annexed, and is numbered (2).

And whereas it has been made to appear to her Majesty that the said new bye-laws are reasonable and proper :

Now therefore her Majesty by and with the advice of her Privy Council is pleased to approve and doth hereby approve of and signify her consent—firstly, to the repeal of the above-recited bye-law, and the substitution of the new bye-law set forth in the schedule hereunto annexed and numbered (1), and secondly, to the bye-law set forth in the schedule hereunto annexed and numbered (2).

Schedule referred to in the foregoing Order.

[Here follows the new bye-law referred to in the Order as numbered (1).]

(2.) The exemption from pilotage between the port of Goole and Hull Roads, and *vice versâ*, which has heretofore existed, of ships not exceeding the burthen of 60 tons shall be extended to ships not exceeding 150 tons register, and also to ships not exceeding 10 feet draught of water.

**** For the Dates of other Orders in Council relating to Pilotage, see General Table of Pilotage Authorities in England, infra.**

ORDERS IN COUNCIL relating to Quarantine.

[*.* Only the more material portions of each Order are set out at length.]

At the Court at Windsor, the 19th day of July, 1825 (a):

Present,—The King's most excellent Majesty in Council.

Quarantine
(Vessels
from the
Mediterranean and
the West
Barbary).

WHEREAS by an act passed in the last session of parliament, intituled "An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof," it is, amongst other things, enacted that—[*Here follows a recital of the 6 Geo. 4, c. 78, s. 2.*]

And whereas, after reciting that certain sorts of goods and merchandize are more especially liable to retain infection, and may be brought from places infected to other countries, and from thence imported into the United Kingdom or the islands aforesaid; it is likewise enacted that—[*Here follows a recital of the 6 Geo. 4, c. 78, s. 5.*]

His Majesty, under the authority of the said above recited act, by and with the advice of his Privy Council, doth hereby adjudge and declare it probable that the plague or some other infectious disease or distemper highly dangerous to the health of his Majesty's subjects may be brought into the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man by vessels coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, with or without clean bills of health, and also by the importation into the United Kingdom or the islands aforesaid; of certain goods, wares, and merchandizes hereinafter enumerated, being the growth, produce or manufacture of Turkey, or of any place in Africa within the Straights of Gibraltar, or in the West Barbary on the Atlantic Ocean, from any port or place in Europe without the Straights, or on the continent of America, at which there is not a regular establishment for the performance of quarantine, which shall have been declared sufficient for that purpose by any Order of his Majesty in Council, notified by proclamation or published in the London Gazette, and his Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered:

1. That all vessels as well his Majesty's ships of war as all others (not having the plague or such other infectious disease or distemper as aforesaid actually on board,) coming from the Mediterranean or from the West Barbary on the Atlantic Ocean with clean bills of health, and all vessels, and boats receiving any person or persons, goods, &c., or any other articles whatever, from or out of any such vessel, before such vessel shall have performed, and shall be duly discharged from quarantine, whether such person or persons, goods, &c., or other articles as aforesaid, shall have come or been brought in such vessel, or such person or persons shall have gone, or articles have been put, on board the same either before or after the arrival of such vessel, and whether such vessel was or was not bound to any port or place in the United Kingdom or the islands aforesaid, shall, together with all persons (as well pilots as others), goods, wares, and merchandize and other articles as aforesaid on board thereof, perform such quarantine for such time, in such manner and at such places as are hereinafter directed. And all commanders, masters and other persons on board any such vessel or boat so liable to quarantine as aforesaid, and all persons who shall have any intercourse or communication with them or any of them, shall forthwith repair to such lazaret vessel, or place as is herein appointed, or shall hereafter be appointed in that behalf by any Order of his Majesty in Council as aforesaid, or of the lords and others of the Privy Council, or any two or more of them, for the performance of quarantine, and shall there perform quarantine accordingly, under and subject to all the pains, penalties, &c., to which any such commander, master or person is or may be by law subject for any refusal or neglect to repair to such lazaret vessel, or place as aforesaid, or for any escape or attempt to escape therefrom, or for any other breach or disobedience of the provisions, &c. of the said hereinbefore recited act, or of this Order, or of any Order which may hereafter be made as aforesaid.

2. And it is hereby further ordered, that . . . [*Here follow provisions providing that all such vessels, persons and articles as those mentioned above in paragraph 1,*

(a) Gazetted August 10th, 1825.

shall, if arriving from the Mediterranean or the West Barbary on the Atlantic Ocean, with clean bills of health, perform quarantine at certain specified places, according to the respective ports to which such vessels may be bound] (b).

3. And it is hereby further ordered that all goods, wares or merchandizes imported in any such vessels as aforesaid shall be opened and aired at the several places hereinbefore respectively appointed for the performance of quarantine by such vessels respectively, in the manner and for the time hereinafter directed.

4. And it is hereby further ordered that all vessels not having the plague or such other infectious disease or distemper as aforesaid actually on board (except any ship of war, transport or other vessel in the actual service of government, under the command of a commissioned officer of his Majesty's navy), arriving in the United Kingdom and coming from the Mediterranean or from the West Barbary on the Atlantic Ocean, which shall not be furnished with clean bills of health, shall perform quarantine either in Standgate Creek or Milford Haven, and nowhere else. . . . (b). And all ships of war, transports and other vessels in the actual service of government, under the command of commissioned officers of his Majesty's navy, coming from any of the said places, and not being furnished with clean bills of health, shall perform quarantine at the Motherbank, in a separate and distinct place, to be appointed and marked out with yellow buoys for that purpose, in the centre of which place a floating lazaret shall be stationed, with a yellow flag constantly flying at the mast-head. . . . [All vessels receiving persons, goods, &c. from the vessels mentioned in this paragraph to perform the like quarantine at Standgate Creek, Milford Haven, or the Motherbank respectively (b). No persons, vessels or boats not in the quarantine service to go within the limits marked out at the Motherbank as the quarantine ground for vessels having foul bills of health, except by permission or in case of necessity.]

5. Vessels coming from ports in Europe without the Straits of Gibraltar, or on the continent of America, where there is no regular quarantine establishment (see par. 1), and having on board certain enumerated goods of the growth or manufacture of Turkey or places in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic, to perform the like quarantine, together with all persons (including pilots) and articles on board, as vessels coming from the Mediterranean with clean bills of health (par. 1).

6. Vessels with clean bills of health liable to quarantine having passed their regular quarantine port from ignorance of the master or stress of weather, &c., may be permitted to perform quarantine at some other quarantine port.

7. No vessel liable to quarantine not bound to the United Kingdom or Channel Islands or Isle of Man to touch at or enter ports or places in the United Kingdom, &c., except for orders or by reason of stress of weather or damage, when such vessel is to conform to the quarantine regulations, or be compelled to proceed to sea.

8. And it is hereby further ordered that where any vessel shall attempt to enter into any port or place in the United Kingdom or the islands aforesaid, whether any such port or place shall have been appointed for the performance of quarantine or not, the superintendent of quarantine or his assistant (if there shall be any superintendent or assistant at such port or place), or if not, the principal officer of his Majesty's customs at such port or place, or such officers of the customs as shall be authorized by the commissioners of customs, or any four or more of them to act in their behalf, shall go off to such vessel, and shall at a convenient distance from such ship or vessel, keeping to windward, demand of the commander, master or other person having charge of such vessel answers to the following preliminary questions: . . . [Here follow certain specified preliminary questions to be put by the quarantine officer for the purpose of ascertaining whether the vessel is liable to quarantine, &c.] And such commander, master or other person having charge of such vessel shall, upon such demand, give a true answer to such questions in writing or otherwise, and upon oath or not upon oath, as he shall be required by such superintendent or his assistant, or principal officer or other officer of the customs authorized as aforesaid, under such pains and penalties as are inflicted by the said hereinbefore recited act. . . . [Vessels appearing by the answers given to the preliminary questions to be liable to quarantine, to be compelled to repair to the proper quarantine port.]

(b) So much of this order as relates to the appointment of specified places at which quarantine is to be performed by merchant vessels within the United Kingdom seems to be obsolete. The only quarantine establishment now

maintained in England is at the Motherbank, and vessels, other than Queen's ships, when liable to quarantine perform quarantine in such places as may be directed by the Privy Council.

**Quarantine
(Vessels
from the
Mediterranean and
the West
Barbary).**

ORDERS IN COUNCIL relating to Quarantine.

[*.* Only the more material portions of each Order are set out at length.]

At the Court at Windsor, the 19th day of July, 1825 (a):

Present,—The King's most excellent Majesty in Council.

Quarantine
(Vessels
from the
Mediterranean and
the West
Barbary).

WHEREAS by an act passed in the last session of parliament, intituled "An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof," it is, amongst other things, enacted that—[*Here follows a recital of the 6 Geo. 4, c. 78, s. 2.*]

And whereas, after reciting that certain sorts of goods and merchandize are more especially liable to retain infection, and may be brought from places infected to other countries, and from thence imported into the United Kingdom or the islands aforesaid; it is likewise enacted that—[*Here follows a recital of the 6 Geo. 4, c. 78, s. 5.*]

His Majesty, under the authority of the said above recited act, by and with the advice of his Privy Council, doth hereby adjudge and declare it probable that the plague or some other infectious disease or distemper highly dangerous to the health of his Majesty's subjects may be brought into the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man by vessels coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, with or without clean bills of health, and also by the importation into the United Kingdom or the islands aforesaid; of certain goods, wares, and merchandizes hereinafter enumerated, being the growth, produce or manufacture of Turkey, or of any place in Africa within the Straights of Gibraltar, or in the West Barbary on the Atlantic Ocean, from any port or place in Europe without the Straights, or on the continent of America, at which there is not a regular establishment for the performance of quarantine, which shall have been declared sufficient for that purpose by any Order of his Majesty in Council, notified by proclamation or published in the London Gazette, and his Majesty is therefore pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered:

1. That all vessels as well his Majesty's ships of war as all others (not having the plague or such other infectious disease or distemper as aforesaid actually on board,) coming from the Mediterranean or from the West Barbary on the Atlantic Ocean with clean bills of health, and all vessels, and boats receiving any person or persons, goods, &c., or any other articles whatever, from or out of any such vessel, before such vessel shall have performed, and shall be duly discharged from quarantine, whether such person or persons, goods, &c., or other articles as aforesaid, shall have come or been brought in such vessel, or such person or persons shall have gone, or articles have been put, on board the same either before or after the arrival of such vessel, and whether such vessel was or was not bound to any port or place in the United Kingdom or the islands aforesaid, shall, together with all persons (as well pilots as others), goods, wares, and merchandize and other articles as aforesaid on board thereof, perform such quarantine for such time, in such manner and at such places as are hereinafter directed. And all commanders, masters and other persons on board any such vessel or boat so liable to quarantine as aforesaid, and all persons who shall have any intercourse or communication with them or any of them, shall forthwith repair to such lazaret vessel, or place as is herein appointed, or shall hereafter be appointed in that behalf by any Order of his Majesty in Council as aforesaid, or of the lords and others of the Privy Council, or any two or more of them, for the performance of quarantine, and shall there perform quarantine accordingly, under and subject to all the pains, penalties, &c., to which any such commander, master or person is or may be by law subject for any refusal or neglect to repair to such lazaret vessel, or place as aforesaid, or for any escape or attempt to escape therefrom, or for any other breach or disobedience of the provisions, &c. of the said hereinbefore recited act, or of this Order, or of any Order which may hereafter be made as aforesaid.

2. And it is hereby further ordered, that . . . [*Here follow provisions providing that all such vessels, persons and articles as those mentioned above in paragraph 1,*

(a) Gazetted August 10th, 1825.

shall, if arriving from the Mediterranean or the West Barbary on the Atlantic Ocean, with clean bills of health, perform quarantine at certain specified places, according to the respective ports to which such vessels may be bound] (b).

3. And it is hereby further ordered that all goods, wares or merchandizes imported in any such vessels as aforesaid shall be opened and aired at the several places hereinbefore respectively appointed for the performance of quarantine by such vessels respectively, in the manner and for the time hereinafter directed.

4. And it is hereby further ordered that all vessels not having the plague or such other infectious disease or distemper as aforesaid actually on board (except any ship of war, transport or other vessel in the actual service of government, under the command of a commissioned officer of his Majesty's navy), arriving in the United Kingdom and coming from the Mediterranean or from the West Barbary on the Atlantic Ocean, which shall not be furnished with clean bills of health, shall perform quarantine either in Standgate Creek or Milford Haven, and nowhere else. . . . (b). And all ships of war, transports and other vessels in the actual service of government, under the command of commissioned officers of his Majesty's navy, coming from any of the said places, and not being furnished with clean bills of health, shall perform quarantine at the Motherbank, in a separate and distinct place, to be appointed and marked out with yellow buoys for that purpose, in the centre of which place a floating lazaret shall be stationed, with a yellow flag constantly flying at the mast-head. . . . [All vessels receiving persons, goods, &c. from the vessels mentioned in this paragraph to perform the like quarantine at Standgate Creek, Milford Haven, or the Motherbank respectively (b). No persons, vessels or boats not in the quarantine service to go within the limits marked out at the Motherbank as the quarantine ground for vessels having foul bills of health, except by permission or in case of necessity.]

5. Vessels coming from ports in Europe without the Straits of Gibraltar, or on the continent of America, where there is no regular quarantine establishment (see par. 1), and having on board certain enumerated goods of the growth or manufacture of Turkey or places in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic, to perform the like quarantine, together with all persons (including pilots) and articles on board, as vessels coming from the Mediterranean with clean bills of health (par. 1).

6. Vessels with clean bills of health liable to quarantine having passed their regular quarantine port from ignorance of the master or stress of weather, &c., may be permitted to perform quarantine at some other quarantine port.

7. No vessel liable to quarantine not bound to the United Kingdom or Channel Islands or Isle of Man to touch at or enter ports or places in the United Kingdom, &c., except for orders or by reason of stress of weather or damage, when such vessel is to conform to the quarantine regulations, or be compelled to proceed to sea.

8. And it is hereby further ordered that where any vessel shall attempt to enter into any port or place in the United Kingdom or the islands aforesaid, whether any such port or place shall have been appointed for the performance of quarantine or not, the superintendent of quarantine or his assistant (if there shall be any superintendent or assistant at such port or place), or if not, the principal officer of his Majesty's customs at such port or place, or such officers of the customs as shall be authorized by the commissioners of customs, or any four or more of them to act in their behalf, shall go off to such vessel, and shall at a convenient distance from such ship or vessel, keeping to windward, demand of the commander, master or other person having charge of such vessel answers to the following preliminary questions: . . . [Here follow certain specified preliminary questions to be put by the quarantine officer for the purposes of ascertaining whether the vessel is liable to quarantine, &c.] And such commander, master or other person having charge of such vessel shall, upon such demand, give a true answer to such questions in writing or otherwise, and upon oath or not upon oath, as he shall be required by such superintendent or his assistant, or principal officer or other officer of the customs authorized as aforesaid, under such pains and penalties as are inflicted by the said hereinbefore recited act. . . . [Vessels appearing by the answers given to the preliminary questions to be liable to quarantine, to be compelled to repair to the proper quarantine port.]

(b) So much of this order as relates to the appointment of specified places at which quarantine is to be performed by merchant vessels within the United Kingdom seems to be obsolete. The only quarantine establishment now

maintained in England is at the Motherbank, and vessels, other than Queen's ships, when liable to quarantine perform quarantine in such places as may be directed by the Privy Council.

Quarantine
(Vessels
from the
Mediterranean and
the West
Barbary).

**Quarantine
(Vessels
from the
Mediterranean
and the West
Barbary).**

9. Upon the arrival of vessels at the quarantine port certain specified questions are to be put to their masters by the quarantine officer in the presence of the officers, crew and all other persons on board.

10. Answers to the questions mentioned in the preceding paragraph are to be taken down in writing upon oath, and according to the answers given the quarantine officer is to assign a certain place or station for the performance of quarantine; the master delivering the ship's papers to the quarantine officer and verifying the truth of their contents upon oath.

[Paragraphs 11 to 23, relating to the time—fifteen days for vessels with clean bills (par. 13), and thirty days at least for vessels with foul bills (pars. 13, 34)—and manner in which quarantine is to be performed; the airing of the cargo, whether consisting of the goods referred to in par. 6 or not; and the steps to be taken for the prevention of intercourse with persons not under quarantine, it is considered unnecessary to set out.]

24. Persons actually infected with any pestilential disorder on board any vessel in quarantine to be removed to the hospital ship, &c.

25. The passengers and crew of vessels in quarantine may have medical assistance from the shore; but persons rendering such assistance may be liable to perform quarantine.

26. Pilots of vessels in quarantine may quit such vessel after quarantine officer has come on board and perform quarantine on the hospital ship.

27. Recommencement of quarantine on any pestilential accident occurring among the passengers or crew, &c.

28. And for the better guarding against the introduction of the plague into the United Kingdom, it is hereby ordered that in the event of the plague actually appearing on board any vessel on her voyage to any port in the United Kingdom, she shall immediately, if to the southward of Cape St. Vincent, repair to some lazaretto in the Mediterranean, there to perform quarantine; and, if to the northward of Cape St. Vincent, she shall immediately repair to Milford Haven, there to perform quarantine.

29. The baggage, &c. of persons on board vessels having foul bills of health to be aired, and the passengers and crew of such vessels to be fumigated before discharge from quarantine.

[Paragraphs 30 to 36, relating to the quarantine of the cargo on board vessels with foul bills of health, it is considered unnecessary to set out.]

37. Vessels arriving with suspected bills of health, and all persons and articles on board, to perform the like quarantine as vessels with foul bills of health, with the exception that the duration of the quarantine shall be less by ten days than the duration of the quarantine to be performed by vessels having foul bills.

38. Declarations of the shipper, owner or consignee of certain enumerated goods, &c., made on oath before some magistrate abroad, and attested by a British consul or two British merchants, with respect to the origin of such goods, &c., together with the bills of health granted at the port where the goods were originally taken on board, to be delivered to the quarantine officer by the master of vessels having such goods on board, and bound from ports in Europe or certain ports on the continent of America, —for the purpose of ascertaining whether such goods be the growth or produce of Turkey, &c. (see par. 1). If no such declaration produced in respect of goods the growth of Turkey, quarantine to be performed as provided by par. 1. In certain cases such declarations may be made before a British consular officer.

39. The vessels referred to in paragraph 1, if they produce the proper documents to prove that they have performed quarantine in the lazaret of Malta, Ancona, Venice, Messina, Leghorn, Genoa, Trieste, or Marseilles, not to perform quarantine, but to remain at a quarantine station until duly released.

40. Printed abstracts of the more important quarantine regulations to be delivered to the masters of vessels clearing out for the Mediterranean or any place, in the West Barbary, or respecting which there shall be any Order in Council in force relating to quarantine, and to be affixed on board, and remain affixed until vessel returns to United Kingdom.

41. Quarantine signal flags and articles for fumigation to be provided by the masters of all vessels clearing for the Mediterranean or any place in the West Barbary, or respecting which there shall be in force any Order in Council as to quarantine.

42. Commanders of vessels of war to prevent the landing of goods or persons from vessels liable to quarantine.

43. The Commissioners of Customs, &c., to use their utmost diligence and care that all the quarantine regulations are duly observed.

44. Commanders of ships of war and forts and garrison near the sea coast, justices of the peace, constables, &c., to aid and assist the quarantine officers.

45. *The Order to take effect from its date, with the exception of certain provisions which were to commence to take effect from November, 1825, and January, 1826, respectively.*

46. *The Lords Commissioners of the Treasury, the Commissioners of the Admiralty, the Warden of the Cinque Ports, the Secretary at War, and the Governors of the Channel Islands and Isle of Man, to give the necessary directions.*

An Order in Council of the 15th of March, 1832 (a), orders that a yellow flag shall be a signal to be hoisted by vessels having cholera on board.

At the Council Chamber, Whitehall, the 29th of January, 1877 :
Present,—Lord President, Mr. Secretary Hardy, Sir Michael Hicks-Beach.

WHEREAS by an act of parliament made and passed in the thirty-ninth and fortieth years of the reign of her Majesty, chapter 36, it is, amongst other things, enacted that—*[Here follows a recital of the 39 & 40 Vict. c. 36, s. 234, from the commencement of the section down to the words “shall forfeit a sum not exceeding one hundred pounds”].*

And whereas there is reason to apprehend that yellow fever prevails in the West Indies and in parts of the continent of America, and it is expedient to put into operation the above recited provision of the said act :

Now therefore the lords of her Majesty's most honorable Privy Council do hereby order and direct that from and after the 1st day of February, 1877, no person on board any ship coming to any port in the United Kingdom, the Channel Islands, or the Isle of Man, from or having touched at any port or place in Cuba, or coming from or having touched at any port or place lying between longitude 35 and 60 degrees west of Greenwich and between 4 and 40 degrees south latitude, shall quit such vessel before the state of health of the persons on board shall have been ascertained on examination by the proper officer of customs at such place or places as may from time to time be appointed by the commissioners of customs for such purpose, and before permission to land shall have been given by such officer.

**Quarantine
(Vessels from
West Indian
and South
American
Ports).**

At the Court at Windsor, the 22nd day of March, 1879.

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by an act passed in the sixth year of the reign of King George the Fourth, entitled “An Act to repeal the several Laws relating to the performance of Quarantine, and to make other provisions in lieu thereof,” it was enacted that—*[Here follows a recital of the 6 Geo. 4, c. 78, s. 2, down to the word “Gazette”].*

And by the said act it was also enacted that—*[Here follows a recital of the 6 Geo. 4, c. 78, s. 6, down to the words “on board the same”].*

And by the said act it was also enacted, that all persons liable to perform quarantine, and all persons having had any intercourse or communication with them, shall be subject during the said quarantine, or during the time they shall be liable to quarantine, to such orders as they shall receive from the superintendent of quarantine or his assistant, or from the principal officer of customs, at any place where there is no such superintendent or assistant, or from any other officer of customs authorized to act in that behalf (b):

And whereas his Majesty, under the authority of the said above recited Act, by and with the advice of his Privy Council, on the 19th day of July, 1825 (c), made an Order declaring it probable that the plague, or some other infectious disease or distemper, might be brought into the United King-

**Quarantine
(Vessels from
Black Sea,
Baltic, or Sea
of Marmora)**

(a) *Gazetted March 27th, 1832.*

(b) *See the 6 Geo. 4, c. 78, s. 18.*

(c) *Supra, p. 84.*

**Quarantine
(Vessels from
Black Sea,
Baltic, or Sea
of Marmora).**

dom, or the Islands of Guernsey, Jersey, Alderney, Sark or Man, by vessels coming from the Mediterranean, and certain other places, with or without clean bills of health:

And whereas his Majesty was pleased, by and with the advice of his Privy Council, to order that all vessels coming from the aforesaid places should be liable to perform quarantine in manner in such Order directed:

Her Majesty, under the authority of the said above recited act, by and with the advice of her Privy Council, doth hereby adjudge and declare it probable that the plague, or some other infectious disease or distemper highly dangerous to the health of her Majesty's subjects, may be brought into the United Kingdom, or the Islands of Guernsey, Jersey, Alderney, Sark or Man, by vessels coming from the Baltic, or from the Black Sea, or from the sea of Azoff, or from the sea of Marmora, or from or having touched at any place in, or any place the passage from which is by or through, any of the said seas.

And her Majesty is therefore pleased, under the authority of the said act, and by and with the advice of her Privy Council, to order that all vessels, persons, goods, wares, and merchandize, and all other articles hereby made liable to quarantine, shall perform the same at such places and for such times as shall be appointed in that behalf, by any Order of her Majesty in Council, or of the lords and others of the Privy Council, or any two or more of them, and shall be subjected to the provisions, rules, and regulations and restrictions contained in the said act concerning quarantine and the prevention of infection, and to all the pains and penalties, forfeitures and punishments contained in the said act or otherwise by law provided for any breach or disobedience of the provisions of the said act, or of any Order or Orders made, or hereafter to be made, in pursuance of the said act; and that all persons hereby made liable to perform quarantine, and all persons having had any intercourse or communication with them, shall upon arrival at any port or place in the United Kingdom, or in the Islands of Guernsey, Jersey, Alderney, Sark or Man, and during the said quarantine, or during the time they shall be liable to quarantine, observe and obey all such orders and directions as they shall receive from the quarantine officer at such port or place authorized to act in that behalf.

And it is hereby ordered that this Order shall take effect and be in force from and after the date hereof.

And the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein accordingly.

ORDERS IN COUNCIL relating to the Registration of British Ships.

At the Court at Osborne House, Isle of Wight, the 6th day of August, 1874.

Present,—The Queen's most excellent Majesty in Council.

**Registration
of Ships
(China and
Japan Mari-
time Order,
1874).**

WHEREAS by an Act of Parliament passed in the session of the sixth and seventh years of her Majesty's reign (c. 80), and intituled "An Act for the better government of her Majesty's subjects resorting to China," it was enacted (among other things) that it should be lawful for her Majesty, by any Order or Orders made with the advice of her Privy Council, to ordain for the government of her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than 100 miles from the coast of China, any law or ordinance which to her Majesty in Council might seem meet, as fully and effectually as any such law or ordinance could be made by her Majesty in Council, for the government of her Majesty's subjects being within her Majesty's island of Hong Kong:

And whereas by another Act of Parliament passed in the same session (6 & 7 Vict. c. 94), and intituled "An Act to remove doubts as to the

exercise of power and jurisdiction by her Majesty within divers countries and places out of her Majesty's dominions, and to render the same more effectual," the short title of which is (in accordance with 29 & 30 Vict. c. 87) "The Foreign Jurisdiction Act, 1843," it was enacted (among other things) that it was and should be lawful for her Majesty to hold, exercise and enjoy any power or jurisdiction which her Majesty then had or might at any time thereafter have within any country or place out of her Majesty's dominions, in the same and as ample a manner as if her Majesty had acquired such power or jurisdiction by the cession or conquest of territory:

And whereas her Majesty has had and now has power and jurisdiction in the dominions of the Emperor of China and in the dominions of the Mikado of Japan:

And whereas by "The Merchant Shipping Act, 1873, it was enacted (among other things) that—[*Here follows a recital of the M. S. Act, 1873, s. 29*].

And whereas it has been made to appear to her Majesty that it is expedient to declare the port of Shanghai, in the empire of China, a foreign port of registry, and to declare the description of persons who shall be the registrars of British ships thereat, and to make regulations with respect to the registry of British ships thereat:

Now, therefore, her Majesty, by virtue of the powers vested in her in this behalf by the hereinbefore recited acts, or some or one of them, and by and with the advice of her Privy Council, is pleased to declare and order as follows:—

Short Title.

1. This Order may be cited as the China and Japan Maritime Order in Council, 1874.

Interpretation.

2. In this Order—

The term "China" shall mean the dominions of the Emperor of China:

The term "Japan" shall mean the dominions of the Mikado of Japan:

The term "minister" shall mean the chief diplomatic representative or superintendent of trade of her Majesty for the time being, whether ambassador, envoy, minister, plenipotentiary, or chargé d'affaires:

The term "consular officer" shall include consul-general, consul, and vice-consul, and any person for the time being discharging the duties of consul-general, consul, or vice-consul:

The term "The Merchant Shipping Acts" shall mean the Merchant Shipping Acts 1854 to 1873, and any Acts amending the same:

The term "month" shall mean calendar month:

Words importing the plural or singular may be construed as referring to one person or thing, or more than one person or thing, and words importing the masculine as referring to females (as the case may require).

Application of Order.

3. The provisions of this Order relating to British subjects apply to all subjects of her Majesty, whether by birth or naturalization.

Shanghai a Port of Registry.

4. The port of Shanghai, in the empire of China, shall be a port of registry.

Registrar—Appointment.

5. The registrar at the said port shall be a subject of her Majesty (by birth or naturalization), and shall be appointed by her Majesty by warrant under her royal sign manual.

Deputy of Registrar.

6. Her Majesty's minister in China may from time to time, in case of the absence or intended absence from Shanghai, or in case of the illness of the registrar, appoint by writing under his hand a fit person to be the deputy of the registrar for the time therein mentioned; but every such appointment shall be revocable at pleasure by her Majesty's said minister by writing under his hand.

The person so appointed shall during the continuance of his appointment have all the power and authority of the registrar.

**Registration
of Ships
(China and
Japan Mari-
time Order,
1874).**

Registration
of Ships
(China and
Japan Mari-
time Order,
1874).

Tenure of Office of Registrar.

7. The registrar shall hold office during the pleasure of her Majesty, but any warrant of appointment to the office of registrar shall not be vacated by reason only of a demise of the Crown.

8. In case at any time her Majesty thinks fit by warrant under her royal sign manual to revoke the warrant appointing any person to be registrar, or, while there is a registrar in office, thinks fit by warrant under her royal sign manual to appoint another person to be registrar, then and in every such case, until the warrant of revocation or of new appointment is notified by her Majesty's minister in China to the person holding office, all powers and authorities vested in that person shall continue and be deemed to have continued in as full force, and he shall continue and be deemed to have continued entitled to all the privileges and emoluments of the office as fully, and all things done by him shall be and be deemed to have been as valid in law, as if such warrant of revocation or new appointment had not been made.

Seal of Registrar.

9. The registrar shall have and use a seal bearing such style and device as one of her Majesty's principal secretaries of state shall from time to time direct.

Presumption as to Signature and Seal.

10. Every signature or seal affixed to any instrument purporting to be the signature or the seal, as the case may be, of the registrar, shall for all purposes under this Order, without any proof thereof, be presumed to be genuine, and shall be taken as genuine until the contrary is proved.

Powers of Registrar.

11. The registrar of shipping at Shanghai shall have the same powers as any registrar of shipping appointed under the Merchant Shipping Acts; and for the purpose of enforcing the provisions of the said Acts and of this Order the said registrar shall have the same powers as by the said Acts are conferred for the purposes of registration and measurement on any officer of customs or on any officer of the Board of Trade.

Certificates of Mortgage or Sale.

12. A certificate of mortgage or sale, granted in pursuance of the Merchant Shipping Act, 1854, by the registrar at Shanghai, may contain powers to be exercised at any place situate out of the port of Shanghai, within the limits of the empire of China.

Mode of Transfer of Ship under Certificate of Sale from one British Subject to another at Consular Port.

13. On the transfer of a ship from one British subject to another under a certificate of sale, at any port in Japan or at any port in China other than Shanghai, the consular officer of such port shall endorse an entry of the transfer on the certificates of registry and sale of the said ship, and should the purchaser be desirous of registering the said ship at Shanghai, the said consular officer shall, if requested so to do by the purchaser or transferee or other duly authorized person, forward to the registrar at Shanghai the bill of sale and the declaration of ownership, together with the aforesaid certificates and a certificate of any survey of the said ship that may be required for the purposes of registry anew under the Merchant Shipping Acts; and upon receiving the same, the said registrar shall register the said ship anew, and shall either retain the new certificate of registry, or forward the same to the consular officer or to the registrar of shipping at such port or place as such purchaser or transferee or authorized person shall require; and on such request the said certificate shall be forwarded by any consular officer or registrar, into whose hands the same may come, to any other consular officer or registrar, to be handed by him to the master of the said ship when the requirements of the Merchant Shipping Acts as to marking the said ship shall have been complied with.

Mode of Transfer of Ship from Foreigner to British Subject at Consular Port.

14. On the transfer of a foreign ship to a British subject at any port in Japan or at any port in China other than Shanghai, should the purchaser be desirous

of registering the said ship at Shanghai, the said consular officer of such port shall, if requested so to do by the purchaser or transferee or other duly authorized person, forward to the registrar at Shanghai the bill of sale, the declaration of ownership, and a certificate of any survey of the said ship that may be required for the purposes of registry under the Merchant Shipping Acts; and upon receiving the same the said registrar shall grant a certificate of registry for the said ship, and shall either retain the said certificate, or forward the same to the consular officer or to the registrar of shipping at such port or place as such purchaser or transferee or other authorized person shall require; and on such request the said certificate shall be forwarded by any consular officer or registrar, into whose hands the same may come, to any other consular officer or registrar, to be handed by him to the master of the said ship when the requirements of the Merchant Shipping Acts as to marking the said ship shall have been complied with.

**Registration
of Ships
(China and
Japan Mari-
time Order,
1874).**

Mode of Registry of Ship provided with Sailing Letter at Consular Port.

15. Lorchas and other Chinese and Japanese rigged ships, or other ships provided with sailing letters or documents of the nature of sailing letters granted by her Majesty's ministers in China or Japan, shall, after the commencement of this Order, on their first arrival at any port in Japan or at any port in China other than Shanghai where there is a surveyor, be surveyed, and the consular officer of such port shall transmit to the registrar at Shanghai the said sailing letter, and a certificate of any survey of the said ship, that may be required for the purposes of registry under the Merchant Shipping Acts; and upon receiving the same the said registrar shall grant a certificate of registry for the said ship, and shall either retain the said certificate, or forward the same to the consular officer or to the registrar of shipping at such port or place as the owner or other duly authorized person shall require; and on such request the said certificate shall be forwarded by any consular officer or registrar into whose hands the same may come to any other consular officer or registrar, to be handed by him to the master of the said ship, when the requirements of the Merchant Shipping Acts as to marking the said ship shall have been complied with.

Passes how granted, and in what cases void.

16. On any such transfers, whether from one British subject to another, or from a foreigner to a British subject, or on the first arrival of any ship provided with a sailing letter or other document as aforesaid, at any port in Japan, or at any port in China other than Shanghai, where there is a surveyor, the consular officer of such port shall grant to the master of such ship, upon his application, a pass containing the particulars required by schedule A. to this Order. The pass so granted shall within the China and Japan seas, including the waters of the island of Hong Kong, possess the same force as a certificate of registry, until the expiration of four months, or until such earlier time as the new certificate of registry shall be delivered to the master of the said ship by a consular or other duly authorized officer, or until notice of the cancellation of such pass has been given to the master of the said ship by the registrar at Shanghai, but upon the expiration of such period, or upon such delivery, or upon receipt of such notice of cancellation, shall be void to all intents and purposes; and the said pass on becoming so void, shall be at once delivered by the master of the said ship to a consular or other duly authorized officer, and in default of delivery, the said master shall incur a penalty not exceeding fifty pounds.

Powers of Ministers in China respecting Ship registered at Shanghai.

17. Her Majesty's minister in China shall, with regard to the performance of any act or thing relating to the registry of a ship registered at Shanghai, or of any interest therein, be considered in all respects as occupying the place of the Board of Trade and the Commissioners of Customs.

Powers of Ministers in China and Japan respecting Surveyors.—Powers of Surveyors.

18. Her Majesty's minister in China shall at any port or place in China, and her Majesty's minister in Japan shall at any port or place in Japan, have the same power to appoint fit and proper persons to be surveyors under the Merchant Shipping Acts as are possessed by the Board of Trade in the United Kingdom, and the persons so appointed shall have the same powers as are conferred on the surveyors appointed as aforesaid by the Board of Trade.

**Registration
of Ships
(China and
Japan Mari-
time Order,
1874).**

Commissioners of Customs or Governor may grant Pass to a Ship unregistered to proceed to Shanghai.

19. In cases where it appears to the Commissioners of Customs, or to the governor or other person administering the government of any British possession, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass without being previously registered from any port or place in her Majesty's dominions to the port of Shanghai in the empire of China, it shall be lawful for such commissioners or governor or other person to grant a pass accordingly, and such pass shall for the time and within the limits therein mentioned have the same effect as a certificate of registry.

Her Majesty's Minister in China may grant Pass to a Ship unregistered to proceed to any Port in Her Majesty's Dominions.

20. In cases where it appears to her Majesty's minister in China that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass without being previously registered from the port of Shanghai, in the empire of China, to any port or place within her Majesty's dominions, it shall be lawful for such minister to grant a pass accordingly, and such pass shall for the time and within the limits therein mentioned have the same effect as a certificate of registry.

What class of Ship exempted from Shipment and Discharge of Native Crew.

21. Lorchas and other Chinese and Japanese rigged ships registered at Shanghai shall be exempted from that portion of the Merchant Shipping Acts which relates to the shipment and discharge of seamen, so far as applies to the employment of natives of China and Japan on board these ships.

Minister in China may amend present Instructions or issue others.

22. Her Majesty's minister in China may, with the approval of one of her Majesty's Secretaries of State, amend the instructions to consuls which accompany this Order, and issue any further instructions with reference to the performance of any act or thing relating to the registry of a ship registered at Shanghai, or of any interest therein, that may seem to him necessary or advisable.

Fees.

23. Fees not exceeding the amounts named in Schedule B. to this Order may be taken in respect of the matters mentioned in the same schedule.

Commencement of Order.

24. This Order shall commence and have effect, as follows:—

- (1.) As to the making of any warrant or appointment under this Order, immediately from and after the making of this Order:
- (2.) As to all other matters and provisions comprised and contained in this Order, immediately from and after the expiration of one month after this Order is first exhibited in the public office of her Majesty's consul at Shanghai; for which purpose her Majesty's consul at Shanghai is hereby required forthwith, on receipt by him of a copy of this Order, to affix and exhibit the same conspicuously in his public office, and he is also hereby required to keep the same so affixed and exhibited during one month from the first exhibition thereof; and of the time of such first exhibition notice shall, as soon thereafter as practicable, be published in every consular district in China and Japan, in such manner as her Majesty's ministers there respectively direct; and, notwithstanding anything in this Order, the time of the expiration of the said month shall be deemed to be the time of the commencement of this Order.

Publication of Order.

25. A copy of this Order shall be kept exhibited conspicuously in each consulate in China and in Japan.

Printed copies shall be provided and sold at such reasonable price as her Majesty's minister in China directs.

And the Right Honourable the Earl of Derby, one of her Majesty's principal secretaries of state, is to give the necessary directions herein accordingly.

[Schedule A.]

ORDERS IN COUNCIL.

93

SCHEDULE A.

Registration
of Ships
(China and
Japan Mari-
time Order,
1874).

THE CHINA AND JAPAN MARITIME ORDER IN COUNCIL, 1874.

Sailing Ship.

PASS GRANTED ONLY FOR SHIPS TO BE REGISTERED AT SHANGHAI.

Name of Ship.	British or Foreign Built.	How propelled.
.....
.....
.....

Number of decks	Build
Number of masts	Galleries
Rigged	Head
Stern	Framework

MEASUREMENTS.	Feet.	Tenths.
Length from the fore part of stem under the bowsprit to the aft side of the head of the sternpost		
Main breadth to outside plank		
Depth in hold from tonnage deck to ceiling at midships		

TONNAGE.	No. of Tons.
Tonnage under tonnage deck	
Closed in spaces above the tonnage deck, if any, viz.:—	
Space or spaces between decks	
Poop	
Round-house	
Other inclosed spaces, if any, naming them	
Total tonnage	

I, the undersigned , Her Britannic Majesty's Consul at the port of , hereby certify that,—

1. The ship, the description of which is prefixed to this my pass, has been duly surveyed, and that the above description is true.
 2. That of , is the master of the said ship.
 3. That the said ship was built at , on the day of 18 , and her foreign name is *
- Dated at , the day of 18 .

Her Britannic Majesty's Consul.

* These words to be added if the ship is foreign.

NOTE.—This pass continues in force only until the day of 18 , or until she completes her voyage from to Shanghai, or until such earlier time as the new certificate of registry shall be delivered to the master of the said ship by a consular or other duly authorized officer, or until notice of the cancellation of such pass has been given to the master of the said ship by the registrar at Shanghai; but upon the expiration of such period, or upon such delivery, or upon receipt of such notice of cancellation, shall be void to all intents.

NOTE.—Registrars of shipping are informed that this ship is in process of registration at Shanghai, and that registry must not be granted elsewhere.

APPDX.

5 P

**Registration
of Ships
(China and
Japan Mari-
time Order,
1874).**

THE CHINA AND JAPAN MARITIME ORDER IN COUNCIL, 1874.

Steamer.

PASS GRANTED ONLY FOR SHIPS TO BE REGISTERED AT SHANGHAI.

Name of Ship.	British or Foreign Built, and when Built.	How propelled.
Number of decks	Build	
Number of masts	Galleries	
Rigged	Head	
Stern	Framework	

MEASUREMENTS.	Feet.	Tenths.
Length from the fore part of stern under the bowsprit to the aft side of the head of the sternpost		
Main breadth to outside plank		
Depth in hold from tonnage deck to ceiling at midships		

TONNAGE.	No. of Tons.
Tonnage under tonnage deck	
Closed-in spaces above the tonnage deck, if any, viz.:—	
Space or spaces between decks	
Poop	
Round-house	
Other inclosed spaces, if any, naming them	
Gross tonnage	
Reduction for space required for propelling power	
Tonnage	

	Feet.	Tenths.
Length of engine-room		
Number of engines		
Combined power (estimated horse power)		
Number of horses power		
Name and address of engine maker—		

I, the undersigned, _____, Her Britannic Majesty's Consul at the port of _____, hereby certify that,—

1. The ship, the description of which is prefixed to this my pass, has been duly surveyed, and that the above description is true.
2. That _____, of _____, is the master of the said ship.
3. That the said ship was built at _____, on the _____ day of _____ 18____, and her foreign name is * _____

Dated at _____, the _____ day of _____ 18____.

Her Britannic Majesty's Consul.

* These words to be added if the ship is foreign.

NOTE.—This pass continues in force only until the _____ day of _____ 18____, or until she completes her voyage from _____ to Shanghai, or until such earlier time as the new certificate of registry shall be delivered to the master of the said ship by a consular or other duly authorized officer, or until notice of the cancellation of such pass has been given to the master of the said ship by the registrar at Shanghai; but upon the expiration of such period, or upon such delivery, or upon receipt of such notice of cancellation, shall be void to all intents.

NOTE.—Registrars of shipping are informed that this ship is in process of registration at Shanghai, and that registry must not be granted elsewhere.

SCHEDULE B.

TABLE of FEES to be taken in pursuance of the China and Japan Maritime Order in Council, 1874.

Registration
of Ships
(China and
Japan Mari-
time Order,
1874).

	\$	C.
Certificate of registry	15	00
Inspection of register book	1	00
Copy of register book	5	00
For every declaration taken or recorded under Merchant Shipping Acts	2	00
Certificate of sale or mortgage	2	00
Recording bill of sale	5	00
Recording deed of mortgage	5	00
Transfer or discharge of mortgage	5	00
Endorsing ownership on certificate of registry	2	00
Transfer of registry to another port	2	00
Provisional certificate of registry	5	00
Pass for ship	5	00
Change of master	1	00
Alteration in register of name, rig, or tonnage	2	00
For annexing the seal of office and signature to any document not mentioned in or otherwise provided for by this table	1	00
For measurement of tonnage as under :—		
For ships of 15 tons and under 500 tons gross tonnage	15	00
" 500 " 1000 "	22	50
" 1000 " 2000 "	27	00
" 2000 " 3000 "	31	50
" 3000 " 4000 "	36	00
" 4000 " 5000 "	40	50
" 5000 tons and upwards	45	00
For the inspection of the berthing or sleeping accommodation of the crew :		
For each visit to the ship	4	50
Provided as follows :—		
(a) The aggregate amount of the fees for any such inspection shall not exceed \$9 00 whatever be the number of separate visits.		
(b) When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for the inspection.		
For the inspection of light and fog signals :		
For each visit made to the ship on the application of the owner, and for each visit made where the lights or fittings are found defective	4	50
Provided that the aggregate amount of fees for any such inspection shall not exceed \$9 00, whatever be the number of separate visits.		
For the inspection of the marking of a ship :—		
For each visit made to the ship on the application of the owner, and for each visit made where the provisions of the Merchant Shipping Acts with respect thereto have not been complied with	2	50
Provided as follows :—		
(a) The aggregate amount of the fees for any such inspection shall not exceed \$5 00, whatever be the number of separate visits.		
(c) When the marking of a ship is inspected at the same time with the inspection of light and fog signals, no separate fee shall be charged for the inspection.		

At the Court at Windsor, the 9th day of July, 1869 :

Present,—The Queen's most excellent Majesty in Council.

**Registration
of Ships—
Straits Settle-
ments.**

WHEREAS by "The Merchant Shipping Act, 1854," it is provided that the following persons are required to register British ships, and shall be deemed to be registrars for the purpose of that Act (that is to say)—[*Here follows a recital of the Merchant Shipping Act, 1854, s. 30, sub-s. 4.*]

And whereas by "The Merchant Shipping (Colonial) Act, 1869," it is provided that—[*Here follows a recital of the Merchant Shipping (Colonial) Act, 1869, s. 6.*]

And whereas at Singapore, Penang, and Malacca ports or places within the Straits Settlements, no custom house is established; and whereas the legislative council of the Straits Settlements have, by an Ordinance (No. 3) of the 24th day of March, 1869, provided that the officers for the time being acting as master attendant at Singapore, and harbour masters at Penang and Malacca, shall be registrars of shipping under "The Imperial Merchant Shipping Act, 1854:"

Now, therefore, her Majesty, by virtue of the powers vested in her by the said recited Acts, and by and with the advice of her Privy Council, is pleased to declare and direct that the officers for the time being acting as master attendant at Singapore, and harbour masters at Penang and Malacca, shall, from and after the date of the proclamation of this Order in the Straits Settlements, be registrars of British ships in the Straits Settlements.

ORDER IN COUNCIL directing that the Provisions of the Merchant Shipping Acts, 1854 and 1864, with respect to life Salvage, shall apply to Prussian Ships, whether within British Jurisdiction or not.

At the Court at Windsor, the 7th day of April, 1864:

Present,—The Queen's most excellent Majesty in Council.

**Salvage (Life)
—Prussian
Ships.**

WHEREAS by "The Merchant Shipping Amendment Act, 1862," it is provided that—[*Here follows a recital of the Merchant Shipping Act, 1862, s. 59.*]

And whereas it has been made to appear to her Majesty that his Majesty the King of Prussia is willing that salvage shall be awarded by British courts for services rendered in saving life from Prussian ships when beyond the limits of British jurisdiction; and whereas the principal Act referred to in the Merchant Shipping Act Amendment Act, 1862, is the Merchant Shipping Act, 1854:

Now, therefore, her Majesty, by virtue of the power vested in her by the Merchant Shipping Act Amendment Act, 1862, and by and with the advice of her Privy Council, does hereby direct that the provisions of the Merchant Shipping Act Amendment Act, 1862, and of the Merchant Shipping Act, 1854, with respect to salvage for services rendered in saving life from British ships, shall in all British courts be held to apply to services rendered in saving life from Prussian ships, whether such services are rendered within British jurisdiction or not.

ORDERS IN COUNCIL relating to the Registering and Lettering and Numbering of British Sea-Fishing Boats.

At the Court at Windsor, the 18th day of June, 1869:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Sea Fisheries Act, 1868," it is (among other things) enacted that it shall be lawful for her Majesty by Order in Council from time to time to do all or any of the following things, namely—[*Here follows a recital of sub-sections (a) to (f) of the Sea Fisheries Act, 1868, s. 23.*]

Sea Fisheries
—Registration, &c. of
Sea-Fishing
Boats.

And whereas her Majesty did, on the 4th day of February last, by Order in Council, make certain regulations for the lettering, numbering, and registering of British sea-fishing boats, under Part II. of the Act:

And whereas it is expedient that the said Order so made should be revoked:

Now, therefore, her Majesty, in exercise of the power vested in her by the said recited Act, by and with the advice of her Privy Council, is pleased to revoke the said Order so made on the 4th day of February last, and is pleased to make, in lieu of the regulations to the said Order annexed, the regulations which are set forth in the schedule hereto annexed, and to direct that the same shall come into force from the date of the present Order.

SCHEDULE to which the foregoing Order refers.

Regulations for the lettering, numbering and registering of British Sea Fishing Boats, under Part II. of the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45).

1. The following regulations shall be in future observed by owners and masters of all British boats or vessels hailing from, or belonging to, any port or place in the United Kingdom, the Islands of Guernsey, Jersey, Alderney, Sark, or Man, of whatever size, and however propelled or navigated, which find any portion of their ordinary employment in sea fishing, or oyster or mussel dredging, for purposes of sale; subject, however, to the following qualifications:

- (1.) Yachts, vessels, or boats, not usually employed in fishing or dredging for purposes of sale, shall not be subject to the following regulations when they are not so employed.
- (2.) If a boat or vessel, employed in fishing or dredging for purposes of sale, is also used as a pilot boat, and is marked and numbered as such, under any laws or regulations governing such pilot boat, such boat or vessel shall not be subject to the following regulations.
- (3.) Boats employed in the pilchard seyn fishery on the coast of Cornwall shall, if otherwise duly marked to the satisfaction of the officers of Customs or Coast Guard, be exempt from the necessity of having letters and numbers painted on their sails, bows, or sterns, as required by the following regulations.

2. Every sea fishing vessel or boat, whether registered under any other act or not, shall, except as hereinbefore provided for, be lettered, numbered, and have a certificate of registry, and shall for that purpose be entered or registered in a register of sea fishing boats to be kept at the principal office of Customs in each collectorship. Application, as hereafter prescribed, for letters, numbers, and certificates of registry shall be made by all owners of fishing boats to the officer of Coast Guard or Fishery Officer in charge of the station at or near the place where the boat may for the time being be employed. In any case where a boat belongs to a place situated at a distance from a Coast Guard Station, such application may be delivered to the principal officer of Customs, or to any Fishery Officer, at the creek or station at or nearest to the place to which the boat belongs, or at which she may be temporarily employed in fishing. And such application, upon being received by any such officer, shall be forthwith forwarded to the Collector of Customs of the port in which the place to which the boat belongs is situated, who, upon the receipt of such application, shall cause the boat to be registered and numbered, and grant the certificate of such registry, and forward the same to the officer through whom the application was received, who is to deliver such certificate to the applicant.

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Boats.**

3. The port or place at which any British vessel or boat is registered, under the provisions of "The Merchant Shipping Act, 1854" (17 & 18 Vict. c. 104), shall be considered the port or place to which she belongs.

4. In Scotland the Officers of the Board of British White Herring Fishery shall assist the officers of Customs and of Coast Guard in the performance of the duties imposed by these regulations; and shall, in places where there are no Coast Guard, themselves discharge the duties hereby imposed upon the Coast Guard.

5. If, in the opinion of the Collector of the port to which any boats belong, or of the Inspecting Commander or Divisional Officer of the district, it is desirable, from local circumstances or otherwise, that the mode of application prescribed in the second article of these regulations should be partially modified or altered, such collector, inspecting commander, or divisional officer shall make a special report to the Board of Trade, setting forth the reasons for, and particulars of, such modification or alteration.

6. There shall be series of numbers and distinguishing letters for the boats belonging to each Collectorship of Customs. The following shall be the distinguishing letters:—

Name of Collectorship.	Distinguishing Letters.	Name of Collectorship.	Distinguishing Letter.
<i>England and the Channel Islands.</i>		Hartlepool, West.....	H.L.
Aberystwith.....	A.B.	Harwich	H.H.
Barnstaple	B.E.	Hayle.....	H.E. or S.S.
Beaumaris	B.S.	Hull	H.
Berwick-on-Tweed ...	B.K.	Ipswich	I.H.
Bideford	B.D.	Jersey	J.
Boston, Lincolnshire ..	B.N.	Lancaster	L.R.
Bridgwater	B.R.	Littlehampton	L.I.
Bridport	B.T.	Liverpool	L.L.
Bristol	B.L.	Llanelly	L.A.
Cardiff	C.F.	London	L.O.
Cardigan	C.A.	Lowestoft	L.T.
Carlisle	C.L.	Lyme, Dorset	L.E.
Carnarvon	C.O.	Lynn, Norfolk	L.N.
Castletown, Isle of Man {	Ce. Tn.	Maldon, Essex	M.N.
	or	Maryport	M.T.
Chepstow	C.T.	Middlesborough	M.H.
Chester	C.W.	Milford	M.
Colchester	C.H.	Newcastle-on-Tyne ..	N.E.
Cowes, Isle of Wight..	C.K.	Newhaven, Sussex ...	N.N.
Dartmouth	C.S.	Newport, Monmouth ..	N.T.
Deal	D.H.	Padstow	P.W.
	D.L.	Penzance	P.Z.
	D.O.S.	Plymouth	P.H.
	or	Poole, Dorset	P.E.
Douglas, Isle of Man {	D.O.	Portsmouth	P.
	or	Preston	P.N.
	P.L.	Ramsey, Isle of Man ..	R.Y.
Dover	D.R.	Ramsgate	R. or R.E.
Exeter	E.	Rochester	R.R.
Falmouth	F.H.	Runcorn	R.N.
Faversham	F.M. or F.	Rye, Sussex	R.X.
Fleetwood	F.D.	Scarborough	S.H.
Folkestone	F.E.	Scilly	S.C.
Fowey	F.Y.	Shoreham	S.M.
Gainsborough	G.A.	Southampton	S.U.
Gloucester	G.R.	Shields, North	S.N.
Goole	G.E.	Shields, South	S.S.S.
Grimsby	G.Y.	Stockton	S.T.
Guernsey	G.U.	Sunderland	S.D.
		Swansea	S.A.

Name of Collectorship.	Distinguishing Letters.	Name of Collectorship.	Distinguishing Letters.
Teignmouth	T.H.	Montrose	M.E.
Truro	T.O.	Perth	P.E.H.
Wells, Norfolk	W.S.	Peterhead	P.D.
Weymouth	W.H.	Port Glasgow	P.G.W.
Whitby	W.Y.	Stornaway	S.Y.
Whitehaven	W.A.	Stranraer	S.R.
Wisbeach	W.I.	Troon	T.N.
Woodbridge	W.E.	Wick	W.K.
Workington	W.O.	Wigtown	W.N.
Yarmouth, Norfolk....	Y.H.		
<i>Scotland.</i>		<i>Ireland.</i>	
Aberdeen	A.N. or A.	Ballina	B.A.
Alloa	A.A.	Belfast	B.
Arbroath	A.H.	Coleraine	C.E.
Ardrrossan	A.D.	Cork	C.
Ayr	A.R.	Drogheda	D.A.
Banff	B.F.	Dublin	D.
Borrowstoness	B.O.	Dundalk	D.K.
Campbeltown	C.N.	Galway	G.
Dumfries	D.S.	Limerick	L.
Dundee	D.E.	Londonderry	L.Y.
Glasgow	G.W.	New Ross	N.S.
Grangemouth	G.H.	Newry	N.
Granton, Edinburgh ..	G.N.	Skibbereen	S.
Greenock	G.K.	Sligo	S.O.
Inverness	I.N.S. or I.	Tralee	T.
Kirkaldy	K.Y.	Waterford	W.
Kirkwall	K.L. or K.	Westport, Ireland	W.T.
Leith	L.H.	Wexford	W.D.
Lerwick, Shetland	L.K.	Youghal	Y.

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7. For purposes of numbering, lettering, and registration, boats shall be divided into three classes, as follows:—

1st class:—Boats of 15 tons burthen and upwards:

2nd class:—Boats of less than 15 tons burthen, navigated otherwise than by oars only.

3rd class:—Boats navigated by oars only.

Provided that the officer to whom the application to register is made may, if he think proper, place any small boat occasionally navigated or propelled by sail in the third instead of the second class.

8. For boats of the above classes the positions and dimensions of the letters and numbers shall be as follows:—

1st class:—For the hulls, 18 inches in height, and 2½ inches in breadth, and for the sails, one-third larger every way.

2nd class:—For the hulls, 10 inches in height, and 1½ inches in breadth, and for the sails, one-third larger in every way.

3rd class:—Three inches at least in height, and half an inch in breadth.

Provided that in boats that have a "bend piece" or "rubbing streak," the letters and numbers shall be as high as the space above the "bend piece" or "rubbing streak" will admit. In boats where the space between the gunwale and water-line is not sufficient in size for the prescribed letters and numbers, the letters and numbers shall be as high as the size of the boats will admit.

9. In boats of the 1st and 3rd class the number will follow, and in those of the 2nd class precede, the distinguishing letter or letters.

10. When vessels carry, or have attached to them, small boats as tenders or otherwise, such boats must be marked with the same numbers and letters as the vessels to which they belong. Such numbers and letters may be of the size appropriate to the class to which the boat would belong according to its own size

**Sea Fisheries
—Registration,
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Sea-Fishing
Boats.**

and means of propulsion, but in position and precedence according to the class of the vessel to which the boat is attached.

11. In sailing boats, and boats navigated by the occasional use of sails, the letters and numbers shall be placed on each bow, three or four inches below the gunwale, and on each side of the main-sail, except for lug-sail boats, in which the letters and numbers may be placed on the foresail or mizen instead of the mainsail. For boats of the 3rd class, the letters and numbers shall be placed on the outside of the stern of the boat immediately under the name. On the hulls all letters and numbers shall be painted in white oil colour on a black ground; and on sails in black oil colour on white or grey sails, and in white oil colour on tanned or black sails. Except in the case of vessels only occasionally engaged in fishing for purposes of sale, hereinafter in the thirteenth article of these regulations specially provided for, the letters and numbers of sails shall be painted on each side of the cloth forming the substance of the sail, and not upon any cloth or other thing sewn or otherwise attached to it: and shall be placed on each side of the centre cloth or cloths of the mainsail, clear of and immediately above the close reef, and so as to be at all times conspicuous whether the sail be reefed or not.

12. All boats of whatever class shall have their names, and those of the ports to which they belong, painted in white oil colour on a black ground on the outside of the sterns, in letters which shall be at least three inches in height and half an inch in breadth.

13. In the case of any vessel or boat only occasionally engaged in fishing for purposes of sale, and not usually so employed, the letters and numbers prescribed by these regulations may be temporarily affixed, by pieces of canvass or board attached to the mainsail and bows, but of the same dimensions as those specified in the eighth article of these regulations.

14. The letters, numbers and names placed on boats and on their sails shall not be effaced, covered, or concealed, in any manner whatsoever.

15. All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letters and numbers as the boats to which they belong, so as to be easily distinguished. The owners may further distinguish them by any private marks they think proper. Provided that this regulation shall not apply in the case of boats employed,

(1.) In the Scotch herring fishery;

(2.) In the drift net and seyn fisheries in Cornwall;

(3.) In such other drift net and seyn fisheries (if any) as the Board of Trade may direct.

In the above-mentioned cases it will be held sufficient that the nets and buoys be numbered, so as to identify their true owners; but in all cases of doubt it will devolve upon the masters of buoys and nets to satisfy sea fishery officers (as defined by the 8th section of "The Sea Fisheries Act, 1868"), that the said buoys and nets properly form part of the trains of the boat with which they may be found, or that they belong to the fishermen of other boats temporarily fishing in it.

16. The owner and master of any boat not having all its nets, buoys, and other implements duly marked in the manner above directed, shall be liable to a penalty not exceeding five pounds.

17. A register of sea fishing boats, in the form contained in Table A. hereto annexed, shall be kept by the Collector of Customs at each collectorship, which shall contain the date of registry, name of the vessel or boat, and of the port or place to which she belongs, names of owner and master, description of her rig and of her ordinary mode of fishing, her registered number, class, tonnage, and length of keel, and number of crew usually employed.

18. Certificates of registry in the above register shall be issued by the respective Collectors of Customs, on application being duly made as directed by the second article of these regulations; and such certificate shall be in the form contained in Table B. hereto annexed, and when necessary shall be transmitted to the officer of Coast Guard or Customs or other Fishery Officer through whom the application may have been transmitted for delivery by such officer to the owner. The certificates of registry shall contain the name of the collectorship, and the distinguishing letters, the name and description of boat, the name of the owner and master, the registered number and class, and the date of entry.

19. All applications for letters, numbers, and registration of fishing boats must be in writing, and according to the form contained in Table C. hereto

annexed, and in duplicate if they are to be forwarded from a distant station, as provided by the second article of these regulations; and the duplicate copy is to be retained and filed by the Officer of Coast Guard or Customs at the station to which the boat belongs.

20. Whenever the owner of any registered vessel or boat proves to the satisfaction of the proper officer of Customs or Coast Guard or any Fishery Officer that he has lost or been deprived of any certificate of registry already granted to him, the proper officer may cause a copy of such certificate of registry to be made out and delivered to such owner; and such copy, duly certified by the proper officer, shall have all the effect of the original.

21. Once in every year the owner of every boat shall submit his certificate of registry for examination, either at the head office in each collectorship or at the station through which it was originally obtained, and the proper officer shall sign his name on the back of the said certificate, together with the date of examination, as a record of its authenticity and correctness.

22. In the first week of every year each officer of Customs or of Coast Guard and each Fishery Officer shall forward to the Collector of Customs of the district a list, showing the numbers and classes of all boats whose certificates of registry have been presented for examination and endorsed in the preceding year; and a notation of all inspections of certificates shall be made in the register against the name of each boat. On a change of ownership, or on removal to another collectorship, of any boat registered under these regulations, a fresh certificate of registry must be applied for, and the former certificate be given up, in order that the same, together with the former registry, may be cancelled; and on a change of master due notice shall be given of such change, which shall be duly noted in the register, and be endorsed on the certificate of registry. A failure on the part of the owner of any boat to comply with these regulations shall subject the owner and master to the same penalties that they would have incurred if the certificate of registry had never been applied for.

23. If any boat required to be registered, lettered, and numbered in pursuance of these regulations, and not being so registered, lettered, and numbered, in the manner prescribed, is used as a fishing boat, the owner and the master shall each be liable to a penalty not exceeding twenty pounds. Any Sea Fishery Officer may seize and detain such boat, and prevent it from going to sea and from sea fishing until it is duly registered, lettered, and numbered, and may for that purpose, if it is at sea, take it back into the nearest or most convenient British port. Such boat shall not be entitled to any of the privileges or advantages of a British sea fishing boat, but all obligations, liabilities, and penalties with reference to such boat shall be the same as if it had been duly registered.

24. The master of every boat registered under these regulations shall have on board his boat at all times the certificate of registry hereby required to be obtained; and any master not having such certificate shall, in the absence of any reasonable cause for the same (proof whereof shall lie on him), be liable, together with his boat and crew, to be taken by any Sea Fishery Officer, without warrant, summons, or other process, into the nearest or most convenient port and there to be ordered by the Court, on any proceeding in a summary manner, to pay a penalty not exceeding twenty pounds. Provided that the masters of boats employed in the pilchard fishery in Cornwall, or in such other fishery (if any) as the Board of Trade shall direct, shall be exempt from this regulation.

25. After registration no change shall be made in the name of any sea fishing boat.

**Sea Fisheries
—Registration,
&c. of
Sea-Fishing
Boats.**

**Tonnage
Measurement
—Denmark
(No. 3).**

And whereas it has been made to appear to her Majesty that it is desirable to alter the said Order in Council so far as the same applies of relates to the mode of estimating the allowance for engine room in Danish steamships:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as regards Danish steamships that if the owner or master of any merchant ship belonging to the said kingdom of Denmark, and measured after the said 1st day of October, 1878, which is propelled by steam, or any other power requiring engine room, desires the allowance for engine room in his ship to be estimated under the rules for engine-room measurement and allowance applicable to British ships, instead of under the Danish rule, the engine-room shall be measured and the allowance calculated according to the British rules.

At the Court at Windsor, the 5th day of May, 1873:

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—France.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the President of the French Republic, and are in force in the French dominions:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct that the ships of France, the certificates of French nationality and registry of which are dated on or after the 1st day of June, 1873, shall be deemed to be of the tonnage denoted in the said certificates of French nationality and registry.

At the Court at Windsor, the 26th day of June, 1873:

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—Germany.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted, that "whenever," &c.

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of his Majesty the German Emperor, with the exception of a slight difference in the mode of estimating the allowance for engine room, and such rules are now in force in that country, having come into operation on the 1st day of January, 1873:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

1. As regards sailing ships: that merchant sailing ships of the said German Empire, the measurement whereof, after the said 1st day of January, 1873, has been ascertained and denoted in the registers and other national papers of such sailing ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British sailing ships is deemed to be the tonnage of such ships.

2. As regards steamships: that merchant ships belonging to the said German Empire which are propelled by steam, or any other power requiring engine room, the measurement whereof shall, after the said 1st day of January, 1873, have been ascertained and denoted in the registers and other national papers of such steamships, testified by the date thereof, shall be deemed to be of the ton-

nage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships, provided nevertheless that if the owner or master of any such German steamship desires the deduction for engine room in his ships to be estimated under the rules for engine room measurement and deduction applicable to British ships instead of under the German rule, the engine room shall be measured and the deduction calculated according to the British rules.

**Tonnage
Measurement**
—Germany.

At the Court at Balmoral, the 30th day of September, 1873 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

**Tonnage
Measurement**
—Italy.

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the government of his Majesty the King of Italy, and such rules are now in force in that country, having come into operation on the 1st day of July, 1873:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[*The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to German ships, supra, p. 106.*]

At the Court at Balmoral, the 26th day of October, 1875:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

**Tonnage
Measurement**
—Nether-
lands.

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the government of his Majesty the King of the Netherlands, with the exception of a difference in the mode in certain steamers of estimating the allowance for engine-room, and such rules are now in force in that country, having come into operation on the 1st day of January, 1876:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[*The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to German ships, supra, p. 106.*]

At the Court at Windsor, the 17th day of May, 1876:

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—Norway.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the royal Norwegian government, with the exception of a slight difference in estimating the allowance for engine-room, and such rules are now in force in the kingdom of Norway, having come into operation on the 1st day of April, 1876:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[*The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to German ships, supra, p. 106.*]



At the Court at Windsor, the 17th day of March, 1875 (a):

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—Spain.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force, under "The Merchant Shipping Act, 1854," have been adopted by the government of his Majesty the King of Spain, with the exception of a difference in the mode in certain steamers of estimating the allowance for engine-room, and such rules are now in force in that country, having come into operation on the 2nd day of December, 1874:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[*The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to German ships, supra, p. 106.*]



At the Court at Windsor, the 17th day of March, 1875:

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—Sweden.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of merchant ships now in force, under "The Merchant Shipping Act, 1854," have been adopted in Sweden by the government of his Majesty the King of Sweden and Norway, and are to come into force in Sweden on the 1st day of April, 1875:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct that the ships of Sweden, the certificates of Swedish nationality and registry, or the certificates of measurement of which are dated on or after the 1st day of April, 1875, shall be deemed to be of the tonnage denoted in the said certificates of Swedish nationality and registry, or certificates of measurement.

(a) The operation of this Order was suspended till the 1st of January, 1876, by an Order in Council of the 5th of August, 1875.



At the Court at Osborne House, Isle of Wight, the 30th day of July, 1868:

**Tonnage
Measurement
—United
States.**

Present,—The Queen's most excellent Majesty in Council:

WHEREAS it is enacted by "The Merchant Shipping Act Amendment Act, 1862," that whenever, &c. :—

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under the Merchant Shipping Act, 1854, have been adopted by the government of the United States of America, with the exception that no deduction from the gross tonnage of such ships specified in the registers or other national papers thereof, is made for crew space in sailing vessels, and for crew space and engine-room in steam vessels, and such rules are now in force in that country, having come into operation on the 1st January, 1865.

Her Majesty (in pursuance and exercise of the powers hereinbefore mentioned) is hereby pleased, by and with the advice of her Privy Council, to direct that the merchant ships of the said United States of America, the measurement whereof shall, after the said 1st of January, 1865, have been ascertained and denoted in the registers and other national papers of such ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships, after making therefrom the same deductions in respect of crew space and engine-room as would, if such ships were British, be made from their gross tonnage under the laws relating to British ships.

At the Court at Osborne House, Isle of Wight, the 14th day of August, 1879:

**Tonnage
Measurement
—Greece.**

Present,—The Queen's most excellent Majesty in Council:

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that whenever, &c. :—

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under the Merchant Shipping Act, 1854, have been adopted by the government of his Majesty the King of Greece, with the exception of a difference in the mode in certain steamers of estimating the allowance for engine room, and such rules are now in force in that country, having come into operation on the 1st day of July, 1878, her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[The remainder of this Order is mutatis mutandis the same as the corresponding portion of the Order relating to German ships, *supra*, p. 106.]

At the Court at Windsor, the 17th day of May, 1876:

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—Norway.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the royal Norwegian government, with the exception of a slight difference in estimating the allowance for engine-room, and such rules are now in force in the kingdom of Norway, having come into operation on the 1st day of April, 1876:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to German ships, supra, p. 106.]

At the Court at Windsor, the 17th day of March, 1875 (a):

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—Spain.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force, under "The Merchant Shipping Act, 1854," have been adopted by the government of his Majesty the King of Spain, with the exception of a difference in the mode in certain steamers of estimating the allowance for engine-room, and such rules are now in force in that country, having come into operation on the 2nd day of December, 1874:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[The remainder of this Order is, mutatis mutandis, the same as the corresponding portion of the Order relating to German ships, supra, p. 106.]

At the Court at Windsor, the 17th day of March, 1875:

Present,—The Queen's most excellent Majesty in Council.

**Tonnage
Measurement
—Sweden.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that "whenever," &c.:

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of merchant ships now in force, under "The Merchant Shipping Act, 1854," have been adopted in Sweden by the government of his Majesty the King of Sweden and Norway, and are to come into force in Sweden on the 1st day of April, 1875:

Her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct that the ships of Sweden, the certificates of Swedish nationality and registry, or the certificates of measurement of which are dated on or after the 1st day of April, 1875, shall be deemed to be of the tonnage denoted in the said certificates of Swedish nationality and registry, or certificates of measurement.

(a) The operation of this Order was suspended till the 1st of January, 1876, by an Order in Council of the 5th of August, 1875.

At the Court at Osborne House, Isle of Wight, the 30th day of July, 1868:

**Tonnage
Measurement
—United
States.**

Present,—The Queen's most excellent Majesty in Council:

WHEREAS it is enacted by "The Merchant Shipping Act Amendment Act, 1862," that whenever, &c.:—

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under the Merchant Shipping Act, 1854, have been adopted by the government of the United States of America, with the exception that no deduction from the gross tonnage of such ships specified in the registers or other national papers thereof, is made for crew space in sailing vessels, and for crew space and engine-room in steam vessels, and such rules are now in force in that country, having come into operation on the 1st January, 1865.

Her Majesty (in pursuance and exercise of the powers hereinbefore mentioned) is hereby pleased, by and with the advice of her Privy Council, to direct that the merchant ships of the said United States of America, the measurement whereof shall, after the said 1st of January, 1865, have been ascertained and denoted in the registers and other national papers of such ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships, after making therefrom the same deductions in respect of crew space and engine-room as would, if such ships were British, be made from their gross tonnage under the laws relating to British ships.



At the Court at Osborne House, Isle of Wight, the 14th day of August, 1879:

**Tonnage
Measurement
—Greece.**

Present,—The Queen's most excellent Majesty in Council:

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that whenever, &c.:—

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under the Merchant Shipping Act, 1854, have been adopted by the government of his Majesty the King of Greece, with the exception of a difference in the mode in certain steamers of estimating the allowance for engine room, and such rules are now in force in that country, having come into operation on the 1st day of July, 1878, her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[The remainder of this Order is mutatis mutandis the same as the corresponding portion of the Order relating to German ships, supra, p. 106.]

GENERAL TABLE OF PILOTAGE AUTHORITIES IN ENGLAND AND WALES,

Showing the Extent of the Limits of the Jurisdiction of each Authority; the Statutes and Orders in Council by which the Pilotage in each case is regulated; and whether or not such Pilotage appears to be voluntary or compulsory except for exempted Ships.

*. The provisions contained in the M. S. Act, 1854, ss. 330—367, being in general applicable to all the pilotage authorities in England and Wales, it has not been considered necessary to give a reference to them in the third column of this table.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Reign, Year and Chapter of Act, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted Ships.
LONDON DISTRICT: Trinity House of Deptford Stroud (a).	The waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the seas and channels leading thereto or therefrom as far as Orderliness to the north and Dungeness to the south (b). (M. S. Act, 1854, s. 370)	M. S. Act, 1854, ss. 368—386 16 & 17 Vict. c. 129 (c) 8 Geo. 4, c. 125, ss. 51, 59—63 O.C. 13 Dec. 1843 (Small foreign vessels) O.C. 3 Sept. 1844 (ib.) O.C. 8 Aug. 1845 (ib.) O.C. 18 Feb. 1854 (Exemptions) M. S. Act, 1854, ss. 41, 42 M. S. Act, 1872, ss. 9, 11 O.C. 1 May, 1855 (Home trade passenger ships) O.C. 1 May, 1855 (Masters' certificates) O.C. 16 July, 1857 (d) (Masters' certificates) O.C. 25 July, 1861 (Ships in ballast) (e) O.C. 1 Nov. 1862 (Rates) O.C. 21 Dec. 1871 (Exemptions) O.C. 5 Feb. 1873 (Exempted ships) O.C. 6 Feb. 1873 (Rates for exempted ships) O.C. 20 Nov. 1873 (Special pilotage licences)	Compulsory by M. S. Act, 1854, ss. 354, 376, 378 (f), subject to any alterations to be made by the Trinity House [see M. S. Act, 1854, s. 368], and the exemptions contained in 6 Geo. 4, c. 125, ss. 51, 59—63, so far as they are applicable. M. S. Act, 1854, ss. 340, 354, 362, 379. M. S. Act, 1862, s. 41; and the following Orders in Council, O.C. 18 Feb. 1854; O.C. 25 July, 1861; O.C. 21 Dec. 1871; O.C. 13 Dec. 1843; O.C. 3 Sept. 1844; O.C. 8 Aug. 1845 (g). See also 39 & 40 Vict. c. 36, s. 141 (Foreign coasters). ^h
THE ENGLISH CHANNEL DISTRICT: Trinity House of Deptford Stroud (a).	The seas between Dungeness and the Isle of Wight. (M. S. Act, 1854, s. 370)	[* See <i>supra</i> , "Orders in Council," 88—91]	N.B.—Any other exemptions existing immediately before the 10th of August, 1864, are preserved by the M. S. Act, 1854, ss. 353, so far only as they are not inconsistent with the provisions of that act.
			Voluntary (i), except for home trade ships carrying passengers (h) and not having on board a certificated master or mate, nor exempted under M. S. Act, 1862, s. 41. (M. S. Act, 1854, ss. 353, 354.) <i>See also "Pilotage," Dungeness, Dungeness, Dungeness.</i>

At the Court at Osborne House, Isle of Wight, the 30th day of July, 1868:

Present,—The Queen's most excellent Majesty in Council:

**Tonnage
Measurement
—United
States.**

WHEREAS it is enacted by "The Merchant Shipping Act Amendment Act, 1862," that whenever, &c. :—

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under the Merchant Shipping Act, 1854, have been adopted by the government of the United States of America, with the exception that no deduction from the gross tonnage of such ships specified in the registers or other national papers thereof, is made for crew space in sailing vessels, and for crew space and engine-room in steam vessels, and such rules are now in force in that country, having come into operation on the 1st January, 1865.

Her Majesty (in pursuance and exercise of the powers hereinbefore mentioned) is hereby pleased, by and with the advice of her Privy Council, to direct that the merchant ships of the said United States of America, the measurement whereof shall, after the said 1st of January, 1865, have been ascertained and denoted in the registers and other national papers of such ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships, after making therefrom the same deductions in respect of crew space and engine-room as would, if such ships were British, be made from their gross tonnage under the laws relating to British ships.



At the Court at Osborne House, Isle of Wight, the 14th day of August, 1879:

Present,—The Queen's most excellent Majesty in Council:

**Tonnage
Measurement
—Greece.**

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that whenever, &c. :—

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under the Merchant Shipping Act, 1854, have been adopted by the government of his Majesty the King of Greece, with the exception of a difference in the mode in certain steamers of estimating the allowance for engine room, and such rules are now in force in that country, having come into operation on the 1st day of July, 1878, her Majesty is hereby pleased, by and with the advice of her Privy Council, to direct as follows:—

[The remainder of this Order is mutatis mutandis the same as the corresponding portion of the Order relating to German ships, supra, p. 106.]

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Reign, Year and Chapter of Act, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted Ships.
TRINITY HOUSE OUTPORT DISTRICTS—continued.			
<i>List of Districts.</i>			
BANDRUM (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	<i>Jurisdiction of Sub-Commissioners.</i> From sea into Bridport Harbour, and <i>vice versa</i> .	<i>Local Acts, &c.</i> Trinity House Regulations, July, 1874	<i>(Observations.)</i>
CAERNARVON (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From the outwardmost buoy on the Bar of Caernarvon into and out of Caernarvon Harbour, and in the Menai Strait to Point Dinorwic, and <i>vice versa</i> , and into and out of all ports and places within those limits.	<i>Ibid.</i> , July, 1874	
CAULHALE (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	In the English Channel of the Solway Firth between the anchorage ground off the Harbour of Maryport, and the entrance of Port Silloth and Annan Water Foot, from the said Firth.	<i>Ibid.</i> , Nov. 1875	* The sum of 5s. per day is to be allowed to the pilot for every day he may be detained on board.
COLCHESTER (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From the Nase Tower to the buoy of the Gunfleet, up the Colne River to Colchester, and <i>vice versa</i> .	<i>Ibid.</i> , 1st April, 1879	* London pilots are to be paid from Orfordness to Kestness 6s. per foot of the draft of the vessel piloted.
DAKESBOURGH (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From Bob's Nose to the Start, and <i>vice versa</i> , and into and out of all ports and places within those limits.	<i>Ibid.</i> , May, 1878	* The pilotage to Torbay is not compulsory.
EXETER (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From Lyme to Bob's Nose, and <i>vice versa</i> , and to and from and into and out of all places within those limits.	<i>Ibid.</i> , Nov. 1875	* A pilot taken on board off the Bill of Portland or the Start, which is optional to the master, is to receive additional remuneration beyond the pilotage from Bob's Nose to Lyme.
FALMOUTH (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From the Dodman to the Lizard, and <i>vice versa</i> , and to and from and into and out of all ports and places within those limits.	<i>Ibid.</i> , July, 1874	See <i>The Jingo</i> , 1 P. D. 136.

PILOTAGE TABLE.

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Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	into and out of the Harbour of Fleetwood and Barrow, and along the Coast from Formby Point to Haverrigg Point of Duddon.		to be 7s. 6d. per day.
FOWAY (f) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From Loos inclusive to the Dodman and into and out of all ports and places within those limits.	Ibid., Nov. 1862	
HAWSON (h) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	To and from the Waller Hookey Bay or the Sunk Light into and out of Harwich Harbour and up the River Stour to Manningtree, and <i>vice versa</i> , and to and from all ports and places within the said limits.	Ibid., Nov. 1862	
HOLYHEAD (i) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	To and from the anchorages at Great Orm's Head along the coast of the Isle of Anglesea and Wales as far as Bardsey Island, and to and from and into and out of all ports and places within those limits, except the bar and Harbour of Caernarvon and the Swallies.	Ibid., Feb. 1875	* See "Caernarvon," <i>supra</i> . Pilot detained on board in consequences of quarantine, &c., may receive 7s. 6d. per day.
LEWIS (m) Sub-Commissioners to be appointed by Trinity House out of persons resident within the port of Ipswich. (15 Vict. c. cxvi. s. 91)	From Ipswich Quays to Harwich Harbour, and <i>vice versa</i> .	15 Vict. c. cxvi. Trinity House Regulations, Nov. 1863	See <i>Hadgraff v. Hewith</i> , L. R., 10 Q. B. 350.
ISLE OF WIGHT (n) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From the Owers within and without the Isle of Wight to Pevensey, and into and out of all ports and places within those limits, excepting those within the Poole and Southampton districts.	Ibid., April, 1875	* No master of a vessel is compelled to take an Isle of Wight pilot until at St. Helen's, if he be piloted thereto by a duly licensed London or Cinque Ports pilot.

- (a) Pilotage Commission, 1870; Parliamentary Return, sess. 1875, No. 276.
 (b) Ibid.
 (c) Parliamentary Return, sess. 1876, No. 292.
 (d) Pilotage Commission, 1870; Parliamentary Return, sess. 1879.
 (e) Parliamentary Return, sess. 1878.
 (f) Parliamentary Return, sess. 1876, No. 292.
 (g) Pilotage Commission, 1870; Parliamentary Return, sess. 1875, No. 276; *The Jews*, 1 P. D. 136.
 (h) Parliamentary Return, sess. 1878, No. 114.
 (i) Pilotage Commission, 1870; Parliamentary Return, sess. 1863, No. 264.
 (k) Ibid.
 (l) Parliamentary Return, sess. 1876, No. 292.
 (m) Pilotage Commission, 1870; Parliamentary Return, sess. 1863, No. 264; *Hadgraff v. Hewith*, L. R., 10 Q. B. 350.
 (n) Parliamentary Return, sess. 1876, No. 292. See also Parliamentary Return, sess. 1856, No. 516; "Cowes Pilots."

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Reign, Year and Chapter of Act, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted Ships.
TRINITY HOUSE OUTPORT DISTRICTS—continued.			
<i>List of Districts.</i>			
LOWESTOFT (c) Sub-Commissioners under Trinity House (M. S. Act, 1854, s. 369)	<i>Jurisdiction of Sub-Commissioners.</i> From sea through gateways to harbour and <i>vice versa</i> .	Local Act, &c. Trinity House Regulations, July, 1878	Observations.
MALDON (b) Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	From a line drawn from the Naze Tower to the Buoy of the Gunfleet up the Blackwater River to Maldon, and <i>vice versa</i> .	Ibid., July, 1874	* London pilots are to be paid from Orfordness to Eastness 6s. per foot of the draft of water of vessel piloted.
MILFORD (c) Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	From Caddy Island along the Coast to St. David's Head, thence to Cardigan Island, and <i>vice versa</i> , and to and from and into and out of all ports and places within those limits.	Ibid., Nov. 1862.	
NEATH (d) Sub-Commissioners of Pilotage for the Port of Neath, appointed by Trinity House under 6 & 7 Vict. c. Lxvi. s. 182	From the outside of Neath Bar into the port and Harbour of Neath, and <i>vice versa</i> .	Ibid., July, 1874 6 & 7 Vict. c. Lxvi. ss. 182—187	It is provided by 6 & 7 Vict. c. Lxvi. s. 187, that save as by such act provided the provisions of 47 Geo. 3, sess. 2, c. xxxiii., shall not be altered (see "Port of Bristol," <i>infra</i> , p. 121). Question as to whether pilotage of the same nature as in the other Trinity House Outport Districts for vessels in ballast, raised in <i>The Ardeer</i> , Adm. Div. 1877. No decision.
NEWHAVEN (e) Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	From Dungeness westward to Brighthelmston (inclusive), and from Brighthelmston (inclusive) to Dungeness, and to and from and into and out of all ports and places within those limits.	Ibid., April, 1879	The coast pilotage within the Newhaven district is optional (Trinity House Regulations, April, 1879). * Ships taken charge of in distress are to pay according to circumstances, to be settled by the Sub-Commissioners.
PADSTOW (f) Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	Between the Molls eastward of Pontyre Point and the Quays westward of Trevoe Head.	Ibid., July, 1874	* Claims for assistance rendered by pilots to vessels in distress are not to be made without the previous sanction of the Sub-Commissioners.
PERANON (g) Sub-Commissioners of Trinity House. (M. S. Act, 1854, s. 369)	From the Island to Cape Cornwall, and <i>vice versa</i> , and to and from and into and out of all ports and places within those limits.	Ibid., Nov. 1862	* No master of a vessel is compelled to take a pilot for M. S. district until he arrives within this district until he receives within it like notice from the Sub-Commissioners. * <i>See</i> <i>supra</i> , p. 117.

Pilots (M) of Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	as far as the Start, and to and from and into and out of all ports and places within those limits.	ing the day coming in or going out.
FOOLIS (i) of Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	From Christchurch, inclusive, to St. Alban's Head, and <i>vice versa</i> , and to and from and into and out of all ports and places within those limits.	Ibid., Nov. 1862.
PORTLAND (i) of Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	From sea into the Harbour of Portmadoc, and from the said harbour to sea.	Ibid., Nov. 1862.
RYE (i) of Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	Into and out of the Port and Harbour of Rye, and along the coast between Dungeness and Beachy Head, and to and from all anchorages and places within those limits.	Ibid., Nov. 1863
St. Ives (HARVEY) (i) of Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	From Cape Cornwall to Trevoose Head, and <i>vice versa</i> , and to, from, into, and out of all ports and places within those limits.	Ibid., (?) 1870
SOUTH (e) of Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	To and from and into and out of all ports and places in and about the Islands of Scilly.	Ibid., July, 1874
STONEMAN (s) of Sub-Commissioners under Trinity House. (M. S. Act, 1854, s. 369)	From Brighthelmston (exclusive) westward to the Owers, and from the Owers eastward to Brighthelmston (exclusive), and to and from and into and out of all ports and places within those limits.	Ibid., Nov. 1862

* Ships taken charge of in distress are to pay according to circumstances, to be settled by the Sub-Commissioners.

* Pilots detained on board vessels to be paid 6s. per day of 24 hours.

* A pilot remaining on board at the master's request is to receive 10s. 6d. for every 24 hours or any part thereof.

See "Newhaven," *supra*.
The rates for this district are for harbour pilotage only.

(e) Parliamentary Return, sess. 1879; Pilotage Commission, 1870.

(f) Parliamentary Return, sess. 1875, No. 276.

(g) Parliamentary Return, sess. 1863, No. 264; Pilotage Commission, 1870.

(d) Parliamentary Report, sess. 1876, No. 276.

(i) Ibid.

(j) Ibid.

(f) Pilotage Commission, 1870; Parliamentary Return, sess. 1863, No. 264.

(h) Parliamentary Return, sess. 1875, No. 276.

(i) Pilotage Commission, 1870; Parliamentary Return, sess. 1863, No. 264.

(k) Ibid.

(l) Parliamentary Return, sess. 1870, No. 206.

(m) Parliamentary Return, sess. 1876, No. 276.

(n) Pilotage Commission, 1870; Parliamentary Return, sess. 1863, No. 264.

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Reign, Year and Chapter of Act, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted Ships.
TRINITY HOUSE OUTPORT DISTRICTS—continued.			
<i>List of Districts.</i> Southampton (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	<i>Jurisdiction of Sub-Commissioners.</i> From a line drawn from Lepe Buoy to Lee Point to all parts and places within the Southampton Water, and from all ports and places within the Southampton Water to sea.	<i>Local Act, &c.</i> Trinity House Regulations, April, 1875	<i>Observations.</i> • Lay days, 7s. 8d. per day, not including the day of coming in or going out.
Tynemouth (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From Lyme to Bob's Nose, and <i>vice versa</i> , and into and out of all ports and places within those limits, excepting the Harbour of Exmouth.	<i>Ibid.</i> , Nov. 1862	• See "Exeter," <i>supra</i> . The pilots are to moor vessels to the satisfaction of the harbour master as well as of the master or owner.
Walls (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From Burnham Overy (exclusive) westward to Morton Sluice (exclusive), and <i>vice versa</i> , and into and out of the Harbour of Walls.	<i>Ibid.</i> , Nov. 1862.	
Weymouth (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From St. Alban's Head to Lyme, and <i>vice versa</i> , and to and from into and out of all ports and places within those limits.	<i>Ibid.</i> , 1 May, 1863 [P.O. 6 June, 1859.]	• The pilot of any vessel shall, if required by the owner or master, provide a boat with four men to attend her from the Roads to the Quay, or from the Quays to the Roads, for which service each man is to be paid 4s. per tide; the owner of the boat to be paid the same as a man.
Woolmerston (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From sea, over the bar into Bawdsey Haven, and up the said haven and the River Deben to Woodbridge, and <i>vice versa</i> .	<i>Ibid.</i> , Nov. 1859.	
Yarmouth (c) Sub-Commissioners under Trinity House. (M. S. Act, 1864, s. 369)	From Yarmouth to and from the Dudgeon Light Vessel, and from Yarmouth to and from Orfordness, thence across the Kentish Knock, to and from the Downs, and into and out of the said harbour and roads and within those limits.	<i>Ibid.</i> , June, 1873.	

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Reign, Year and Chapter of Acts, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted Ships.
EAST COAST PILOTAGE DISTRICT (a): Trinity House of Kingston-upon-Hull.	The charters of the Trinity House of Kingston-upon-Hull give that corporation power to license pilots to conduct ships and vessels "from the Humber to cross the seas." The licences held by some of the younger brethren of this Trinity House of Kingston-upon-Hull enable their holders to act as pilots, from the Humber northwards to Flamborough Head, &c. up to Leith Roads; eastwards to the Nahe of Norway; through the Cattegat, the Sound and Baltic to Stockholm, Cronstadt, Dantzic, Riga; to the Elbe and Heligoland, and southward through Yarmouth Roads into the Downs, and through Yarmouth Roads and the Swin, and up to the Nore.	41 Geo. 3, c. lxxxvi. 6 Geo. 4, c. 126, ss. 59—61, 63 O.C. 6 Feb. 1872 (River Tees)	Voluntary outside the Humber District (<i>supra</i> , p. 117.)
PORT OF NEWCASTLE-UPON-TYNE, AND ITS MEMBERS (b): Trinity House of Newcastle-upon-Tyne.	The pilotage jurisdiction of the Trinity House of Newcastle-upon-Tyne formerly extended over the River Tyne, and into and out of the Port of Newcastle-upon-Tyne and the creeks and members belonging thereto. The Hartholp Pilotage Order, 1864, the Tyne Pilotage Order, 1865, and the Sunderland Pilotage Order, 1865, have, however, transferred the pilotage jurisdiction of the Trinity House of Newcastle over the several ports and areas mentioned in such Orders respectively to Pilotage Commissioners appointed under their provisions, and the Trinity House of Newcastle-upon-Tyne consequently now only retains pilotage jurisdiction over such ports and places within its ancient jurisdiction as are not comprehended in the operation of such Orders. (See Hartholp Pilotage Order Confirmation Act, 1864, 27 & 28 Vict. c. 58, cl. 11; Sunderland Order Confirmation Act, 1865, 28 & 29 Vict. c. 59, cl. 9; Tyne Pilotage Order Confirmation Act, 1865, 28 & 29 Vict. c. 44, cl. 11.)	41 Geo. 3, c. lxxxvi. 6 Geo. 4, c. 126, ss. 59—61, 63 O.C. 6 Feb. 1872 (River Tees)	Voluntary for all British vessels, except home-trade passenger ships conducted by masters or mates not having a pilotage certificate. M. S. Act, 1854, ss. 353, 354 (c). By 41 Geo. 3, c. lxxxvi. s. 6, pilotage was made compulsory on foreign vessels. It has recently been suggested that as all differential dues are now abolished (Passing Tolls Act, 1861, 24 & 25 Vict. c. 47), no foreign vessel can any longer be liable to compulsory pilotage within the limits of the pilotage jurisdiction possessed by the Trinity House of Newcastle-upon-Tyne; and the 39 & 40 Vict. c. 36, s. 141, now provides that foreign vessels employed in the coasting trade of this country shall not be liable to any other pilotage dues or to any other rules for the employment of pilots than British ships. On the question whether, at the present time, foreign vessels are or are not liable to compulsory pilotage, there has, however, been no direct decision. [But see <i>The Tyne Improvement Commissioners v. General Steam Navigation Co.</i> , L. R. 2 Q. B. 26, and the remarks of 13 ^r Lushington J., <i>The Harrow</i> , L. R. 1 A. & M. 255.]
MIDDLEBOROUGH AND TYNES			
BLITH			
SEAHAM			
HOLY ISLAND			
WHITBY			
WARKWORTH ANCHLE			
ALNEMOUTH			
NORTH SUNDERLAND			

<p>HARTLEPOOL PILOTAGE DISTRICT (c): Hartlepool Pilotage Commissioners, possessing within the Hartlepool Pilotage District the jurisdiction formerly possessed therein by the Trinity House of Newcastle-upon-Tyne. (27 & 28 Vict. c. 58, Sched. cl. 11)</p>	<p>27 & 28 Vict. c. 58 O.C. 31 June, 1876</p>	<p>Order, 1864 (27 & 28 Vict. c. 58, Sched. cl. 16), that nothing therein shall render pilotage compulsory within the Hartlepool Pilotage District. There has been no decision as to the construction of this provision with the 41 Geo. 3, c. 133, s. 6, and the 39 & 40 Vict. c. 36, s. 141, or with the M. S. Act, 1864, s. 354. See also cl. 20 of the Hartlepool Pilotage Order (d). [See <i>supra</i>, "Port of Newcastle-upon-Tyne."]</p>
<p>PILOTAGE DISTRICT OF THE PORT OF SUNDERLAND (f): Sunderland Pilotage Commissioners, possessing within their jurisdiction the jurisdiction formerly possessed therein by the Trinity House of Newcastle-upon-Tyne. (28 & 29 Vict. c. 59, Sched. cl. 9)</p>	<p>28 & 29 Vict. c. 59 O.C. 29 June, 1871 O.C. 26 June, 1873 O.C. 20 Oct. 1874</p>	<p>It is provided by the Sunderland Pilotage Order, 1865 (28 & 29 Vict. c. 59, Sched. cl. 14), that nothing therein shall render pilotage compulsory within the Port of Sunderland Pilotage District. There has been no decision as to the construction of this provision with the 41 Geo. 3, c. 133, s. 6, and the 39 & 40 Vict. c. 36, s. 141, or the M. S. Act, 1864, s. 354. See also cl. 19 of the Sunderland Pilotage Order (d). [See <i>supra</i>, "Port of Newcastle-upon-Tyne."]</p>
<p>TYNE PILOTAGE DISTRICT (g): Tyne Pilotage Commissioners, possessing within the Tyne Pilotage District the jurisdiction formerly possessed therein by the Trinity House of Newcastle-upon-Tyne. (28 & 29 Vict. c. 44, Sched. cl. 11)</p>	<p>28 Vict. c. 44 30 & 31 Vict. c. 78 O.C. 30 Jan. 1868 O.C. 8 Feb. 1871 O.C. 28 July, 1871 O.C. Nov. 20, 1873 (Special pilotage licence) O.C. 11 July, 1877</p>	<p>It is provided by the Tyne Pilotage Order, 1865 (28 Vict. c. 44, Sched. cl. 16), that nothing in such Order shall render pilotage compulsory within the Tyne Pilotage District. There has been no decision as to the construction of this provision with the 41 Geo. 3, c. 86, s. 6, and the 39 & 40 Vict. c. 36, s. 141, or the M. S. Act, 1864, s. 354. See also clause 22 of the Tyne Pilotage Order (d). [See <i>supra</i>, "Port of Newcastle-upon-Tyne."]</p>

(e) Parliamentary Return, sess. 1877, No. 269.

(f) Ibid.

(g) See *The Tyne Improvement Commissioners v. General Steam Navigation Co.*, L. R., 2 Q. B. 65; *Dodd v. Emberton*, 9 D. & R. 27; *The Maria*, 1 W. Rob. 96.

(d) See Pritchard's Digest, p. 456, note, ed. 1865. Assuming pilotage to be still compulsory on foreign vessels, some of the exemptions in 6 Geo. 4, c. 125, would apply, and also the exemptions in M. S. Act, 1864, s. 352, and M. S. Act, 1862, s. 41. See O. C. 13 Dec. 1843; O. C. 3 Sept. 1844; O. C. 8 Aug. 1845. (*Supra*, "Orders in Council," p. 66.)

(e) Parliamentary Return, sess. 1877, No. 269.

(f) Parliamentary Return, sess. 1875, No. 276.

(g) Parliamentary Return, sess. 1872, No. 260.

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Reign, Year and Chapter of Acts, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted ships.
PORT OF ARUNDEL (Littlehampton) (c); Littlehampton Harbour Commissioners.	It is provided by the 41st section of the 33 Geo. 3, c. 100, that no person, unless appointed by the Commissioners therein named, shall pilot or take charge of any vessel going out of or coming into the Harbour of Littlehampton, or act as a pilot within the said harbour, under a penalty of 20 <i>l</i> .	33 Geo. 3, c. 100 6 Geo. 4, c. 125, ss. 69—61, 63 6 Geo. 4, c. clxx. Regulations, 6 Oct. 1864	Compulsory, except for vessels in distress. The bye-laws of the Port of Arundel impose a penalty of 5 <i>l</i> . on vessels above 30 tons register, and not having on board a certificated master or mate, coming in or going out of the harbour without one of the pilots of the port. See 33 Geo. 3, c. 100, s. 43; M. S. Act, 1854, s. 362; and 39 & 40 Vict. c. 36, s. 141.
PORT OF BEREWICK-UPON-TWEED (c); Harbour Commissioners of Berwick-upon-Tweed. (26 Vict. c. xxxi. s. 56)	From the sea at the mouth of the River Tweed, up the Tweed to the mouth of the River Whittader, and also from the east end of the then existing pier two miles in every direction along the coast and into the sea. (26 Vict. c. xxxi. s. 31.)	26 Vict. c. xxxi. ss. 56—65. 57 Geo. 3, c. lxx. s. 45 Regulations, Jan. 1833	[Qy. as to the exemptions under 6 Geo. 4, c. 125.] Voluntary for all vessels except home trade passenger ships not exempted under the M. S. Act, 1854, s. 354.
PORT OF BLAKENEY and GLAY (Norfolk) (c); Directors of the Blakeney Harbour Company	Into, and out of, and within the limits of, the Port of Blakeney and Glays.	57 Geo. 3, c. lxx. ss. 26, 45—50 6 Geo. 4, c. 125, ss. 69—61, 63	Compulsory, except for exempted ships. By 57 Geo. 3, c. lxx. s. 45, no person is to conduct vessels into or out of the port and harbour unless licensed. By sect. 46 of the same Act masters of vessels inward or outward bound refusing to take pilots are made liable to full pilotage: provided they are not under 50 tons or in distress. See M. S. Act, 1854, s. 362.
PORT OF BOSTON (c) Pilot Commissioners of the Port of Boston.	Into, and out of, and within the limits of, the Port of Boston.	16 Geo. 3, c. 23 32 Geo. 3, c. 79, ss. 9, 10 6 Geo. 4, c. 125, ss. 69—61, 63 [5 Vict. ss. 2, c. lx.] Regulations, 6 Sept. 1846.	[Qy. as to vessels under 50 tons and vessels exempted under 6 Geo. 4, c. 125, ss. 69—61, 63.] Compulsory on all vessels or barges conducted or piloted into or out of the Port of Boston, other than barges not exceeding the burthen of 30 chaldrons of coals and vessels or barges in distress (16 Geo. 3, c. 23).

Mayor, Burgess and Commonalty (Mayor, Aldermen and Burgess) [5 & 6 Will. 4, c. 76, s. 6] of the City of Bristol.	ss. 9, 10, 13, that all vessels navigating or passing up, down or upon the Bristol Channel to the eastward of Lundy Island (except coasting vessels and Irish traders and vessels in distress) were to be piloted by pilots licensed by the Mayor, Burgess and Commonalty of the City of Bristol. The Bristol Channel Pilotage Act, 1861 (24 & 25 Vict. c. cccxvi.), however, enacted (by sect. 4) that so much of the 47 Geo. 3, c. xxxiii. s. 9, as related to vessels navigating up or down the Bristol Channel, and bound to and from either the Ports of Cardiff, Newport or Gloucester, should be repealed. Special provisions as to pilotage have also been made with respect to Neath (6 & 7 Vict. c. lxxi. s. 187), Bridgwater (8 & 9 Vict. c. lxxxix. s. 76), Penarth (17 & 18 Vict. c. cxxvi. s. 162). The pilotage jurisdiction of the City of Bristol, therefore, now only remains so far as it has not been modified by the above-mentioned and any other similar (f) Acts.	ss. 9, 10, 13, that all vessels navigating or passing up, down or upon the Bristol Channel to the eastward of Lundy Island (except coasting vessels and Irish traders and vessels in distress) were to be piloted by pilots licensed by the Mayor, Burgess and Commonalty of the City of Bristol. The Bristol Channel Pilotage Act, 1861 (24 & 25 Vict. c. cccxvi.), however, enacted (by sect. 4) that so much of the 47 Geo. 3, c. xxxiii. s. 9, as related to vessels navigating up or down the Bristol Channel, and bound to and from either the Ports of Cardiff, Newport or Gloucester, should be repealed. Special provisions as to pilotage have also been made with respect to Neath (6 & 7 Vict. c. lxxi. s. 187), Bridgwater (8 & 9 Vict. c. lxxxix. s. 76), Penarth (17 & 18 Vict. c. cxxvi. s. 162). The pilotage jurisdiction of the City of Bristol, therefore, now only remains so far as it has not been modified by the above-mentioned and any other similar (f) Acts.	ss. 9, 10, 13, that all vessels navigating or passing up, down or upon the Bristol Channel to the eastward of Lundy Island (except coasting vessels and Irish traders and vessels in distress) were to be piloted by pilots licensed by the Mayor, Burgess and Commonalty of the City of Bristol. The Bristol Channel Pilotage Act, 1861 (24 & 25 Vict. c. cccxvi.), however, enacted (by sect. 4) that so much of the 47 Geo. 3, c. xxxiii. s. 9, as related to vessels navigating up or down the Bristol Channel, and bound to and from either the Ports of Cardiff, Newport or Gloucester, should be repealed. Special provisions as to pilotage have also been made with respect to Neath (6 & 7 Vict. c. lxxi. s. 187), Bridgwater (8 & 9 Vict. c. lxxxix. s. 76), Penarth (17 & 18 Vict. c. cxxvi. s. 162). The pilotage jurisdiction of the City of Bristol, therefore, now only remains so far as it has not been modified by the above-mentioned and any other similar (f) Acts.
CARDIFF PILOTAGE DISTRICT (including Penarth (h)). Cardiff Pilotage Board (24 & 25 Vict. c. cccxvi. ss. 5, 27).	The Port of Cardiff (g) and that portion of the Bristol Channel which lies eastward of Lundy Island up to and including King Road and the River Rhymney to Rhymney Bridge. (24 & 25 Vict. c. cccxvi. s. 5.)	24 & 25 Vict. c. cccxvi. O.C. 20 Oct. 1874 O.C. 28 Dec. 1886 O.C. 1 March, 1864 O.C. 20 March, 1863 O.C. 19 July, 1862	[As to the concurrent power of the Trinity House, London, to license pilots for the Bridgwater District, see Order in Council May 17th, 1867, <i>supra</i> , p. 53.]
Bristol, subject to exemptions in favour of coasters and Irish traders and vessels in distress (47 Geo. 3, c. xxxiii. ss. 9, 10; 39 & 40 Vict. c. 36, s. 141); such of the exemptions in 6 Geo. 4, c. 125, as are applicable, and the provisions of M. S. Act, 1862, s. 41. (See also M. S. Act, 1864, ss. 354, 362.) Compulsory also, subject to the same exemption on all vessels navigating up, down or upon the Bristol Channel to the eastward of Lundy Island, in all cases where the provisions of 47 Geo. 3, sess. 2, c. xxxiii., as modified by the following and any other similar (f) Acts, still apply. 25 & 26 Vict. c. cccxvi. ss. 4, 31 (see Cardiff, Gloucester, Newport Pilotage Districts); 6 & 7 Vict. c. lxxi. s. 187 (see Neath Trinity Outport District); 8 & 9 Vict. c. lxxxix. s. 76 (see Bridgwater Trinity Outport District); 17 & 18 Vict. c. cxxvi. s. 162 (see Swansea Pilotage District); 19 & 20 Vict. c. cccxi. s. 72 (see Cardiff Pilotage District (g).)	The Bristol Channel Pilotage Act, 1861, relates so much of the 47 Geo. 3, sess. 2, s. 9, as relates to "vessels" navigating up or down the Bristol Channel bound to or from the Port of Cardiff, and provides that nothing in the M. S. Act, 1864, shall render the pilotage compulsory for vessels other than passenger ships. The M. S. Act, 1864, s. 364, apparently makes the pilotage compulsory for home-trade passenger ships not navigated by a master or mate having a pilotage certificate. (24 & 25 Vict. c. cccxvi. ss. 4, 13.)	consent of the Board of Trade had been obtained, the Ely Tidal Harbour and Railway Company should be a pilotage authority within the M. S. Act, 1864, with power to license pilots to pilot vessels coming into or going out of Penarth Harbour, and the 47 Geo. 3, ss. 2, c. xxxiii. s. 9 (see Port of Bristol, <i>supra</i>) should not apply to any vessel (whether trading coastwise or foreign) navigating or passing up, down or upon the Bristol Channel bound to or from the harbour of Penarth. All the powers with respect to pilots so granted to the Ely Tidal Harbour Company have, however, now ceased under the provisions of the 21st section of the 24 & 25 Vict. c. cccxvi. (A) Parliamentary Return, ss. 1875, No. 278. Penarth is now included in the Cardiff Pilotage District, and two of the members of the Cardiff Pilotage Board are now appointed by the Penarth Harbour Dock and Railway Co.	

(a) Parliamentary Return, ss. 1877, No. 269.
(b) Parliamentary Return, ss. 1876, No. 278.
(c) Parliamentary Return, ss. 1878, No. 266.
(d) Parliamentary Return, ss. 1877, No. 264.
(e) Parliamentary Return, ss. 1867, No. 408.
(f) See 4 Will. 4, c. xliii. ss. 72-76, 86, as to a power given to the Aberavon (Port Talbot) Harbour Company to license pilots, and the provisions as to pilotage in the Brean Down Harbour Act, 1862 (25 & 26 Vict. c. xxix. ss. 41-46.)
(g) Declined, 24 & 25 Vict. c. cccxvi. s. 3; and see sects. 5 and 21. See also *Mortuo v. Justice*, 4 C. P. D. 216. At the date of the passing of the 24 & 25 Vict. c. cccxvi. a separate pilotage district existed for the harbour of Penarth under 19 & 20 Vict. c. cxxii., which act provided that after the

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Reign, Year, and Chapter of Act, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted Ships.
PORT OF CHESTER (c) Trustees of the Port of Chester (Mayor, Recorder and Aldermen of the City of Chester, and others.)	Into and out of the Port of Chester [The Local Act provides that in certain cases vessels may be piloted into the Port of Chester by Liverpool pilots.]	16 Geo. 3, c. 61 16 Geo. 4, c. 125, ss. 59—61, 63	The pilotage is, by the 16 Geo. 3, c. 61, made compulsory on all inward-bound vessels boarded to the westward of Chester Bar, except coasting vessels, Irish trawlers and vessels in distress. As to the pilotage of outward-bound vessels, see 16 Geo. 3, c. 61, ss. 24, 36; M. S. Act, 1854, ss. 354, 362; see also 39 & 40 Vict. c. 36, s. 141.
PORT OF DOUGLAS (b) : Isle of Man Harbour Commissioners	? Into and out of the Port of Douglas [No pilots have yet (1879) been licensed.]	35 & 36 Vict. c. 23, s. 12 16 Geo. 4, c. 125, ss. 59—61, 63	It is provided by 35 & 36 Vict. c. 23, s. 12, that so much of any general Act for the time being in force as relates to pilotage shall extend to the Isle of Man. The pilotage, therefore, on the Harbour Commissioners exercising the powers given them by 35 & 36 Vict. c. 23, s. 12, will apparently become compulsory for home trade ships carrying passengers, and not having a certificated master or mate (M. S. Act, 1854, s. 354.)
GLOUCESTER PILOTAGE DISTRICT (c) : Gloucester Pilotage Board	That portion of the Bristol Channel which lies eastward of Lundy Island, including the River Severn to the City of Gloucester, and the River Wye to Chepstow Bridge. (24 & 25 Vict. c. cxxxvi. s. 8 (d))	24 & 25 Vict. cxxxvi. M. S. Act, 1862, s. 42 O.C. 28 Nov. 1874	The pilotage is similar to the pilotage in the Cardiff Pilotage District (supra, p. 131). See The Bristol Channel Pilotage Act, 1861 (24 & 25 Vict. c. cxxxvi.), ss. 4, 31.
PORT OF KING'S LYNN (c) : Mayor and Burgesses of King's Lynn.	Into, and out of the Port of King's Lynn, and between St. Edmund's Ness otherwise Gore End, and Stoeple Weers. [The pilots, though licensed by the Mayor and Burgesses of King's Lynn, are under the control of Pilot Commissioners appointed under the 16 Geo. 3, c. 30.]	13 Geo. 3, c. 30 (amended by 4 & 5 Vict. c. xlvii.) 16 Geo. 4, c. 125, ss. 59—61, 63 O.C. 21 Feb. 1874 O.C. 26 March, 1878 [* The pilotage is optional for inward bound vessels having arrived "without a pilot" within the Marsh Cut Banks.]	Compulsory for all vessels above 30 tons, builders' measurement, lighters or barges in ballast, and vessels or barges in distress (13 Geo. 3, c. 30); subject to such exemptions as are applicable in 6 Geo. 4, c. 125, ss. 59—61, 63; M. S. Act, 1854, ss. 353, 354, 362; M. S. Act, 1862, s. 41; and 39 & 40 Vict. c. 36, s. 141. (* <i>Vol. 3.</i>)
PORT OF LANCASTER (c) : Pilot Commissioners of the Port of Lancaster.	Into and out of the River Lune and the Port of Lancaster.	47 Geo. 3, sess. 2, c. xxxvii. s. 16 16 Geo. 4, c. 125, ss. 59—61, 63	Compulsory for all vessels other than coasters and vessels in ballast (39 & 40 Vict. c. 36, s. 141; 47 Geo. 3, sess. 2, c. xxxvii. ss. 15, 16); subject to such exemptions as are applicable in 6 Geo. 4, c. 125, ss. 59—61, 63; M. S. Act, 1854, ss. 353, 354, 362; and M. S. Act, 1862, s. 41.

<p>TRURO (c): Mersey Docks and Harbour Board.</p>	<p>Leading into and adjacent thereto. [The limits of the Port of Liverpool are defined by 8 Anne, c. 12, to be "as far as a certain place in Hoyle-Lake, called the Redstones, and from thence all over the River Mersey to Warrington and Frodham Bridges." (8 Anne, c. 8, s. 3, Statutes at Large, Record Office edition, vol. 9, page 189). N.B.—The pilotage regulations of the Mersey Docks and Harbour Board are now (1879) under revision.</p>	<p>23 & 24 Vict. c. cl. s. 36 (Offences of Pilots) 27 & 28 Vict. c. cxlii. s. 7 O.C. 26 June, 1861 (Masters' Certificates) O.C. 9 May, 1866 (?) O.C. 30 Jan. 1864 (Reduction of Pilotage of Coasting Vessels) The 7th section of the Mersey Docks Act, 1864 (27 & 28 Vict. c. cxlii.), applies the Merchant Shipping Act, 1864, s. 363, to the Liverpool Pilotage District; but without prejudice to the exemption conferred by 21 & 22 Vict. c. cxlii. s. 130, on inward-bound coasting vessels under the burden of 100 tons</p>	<p>as. 118—164. 21 & 22 Vict. c. lxxii. 27 & 28 Vict. c. cxlii. 41 Vict. c. lxxlii. [The right of the Commissioners to regulate the pilotage is given by 53 Geo. 3, c. cxxxiii. s. 17, and is preserved by 21 & 22 Vict. c. lxxii. s. 3.] [The 6 & 7 Vict. c. lxxvii. s. 158, preserved by 21 & 22 Vict. c. lxxii. s. 3, enables the Commissioners to make bye-laws regulating the pilotage]</p>	<p>24 & 25 Vict. c. cxxxvi. M. S. Act, 1862, s. 42 O.C. 30 July, 1866 O.C. 13 May, 1876</p>	<p>24 & 25 Vict. c. cxxxvi. M. S. Act, 1862, s. 42 O.C. 30 July, 1866 O.C. 13 May, 1876</p>	<p>(a) Parliamentary Return, sess. 1875, No. 276. (b) Parliamentary Return, sess. 1867, No. 408. (c) Parliamentary Return, sess. 1877, No. 289. (d) As to the concurrent power of the Trinity House, London, over the Bridgewater District, see Order in Council, 17th May, 1867, <i>supra</i>, p. 83. (e) Parliamentary Return, sess. 1874, No. 204.</p>
<p>NEWPORT PILOTAGE DISTRICT (d): (Monmouthshire): Newport Pilotage Board.</p>	<p>That portion of the Bristol Channel which lies eastward of Lundy Island up to and including King Road and the River Ust, as far as the Caerleon Bridge. (24 & 25 Vict. c. cxxxvi. s. 8.)</p>	<p>Harbour of Llanelli to sea, and <i>vice versa</i>, and upon the Rivers Burry, Lougher and Liodi. (See 21 & 22 Vict. c. lxxii. s. 2, which defines the limits of the harbour, and the 6 & 7 Vict. c. lxxvii. s. 158.)</p>	<p>Harbour of Llanelli to sea, and <i>vice versa</i>, and upon the Rivers Burry, Lougher and Liodi. (See 21 & 22 Vict. c. lxxii. s. 2, which defines the limits of the harbour, and the 6 & 7 Vict. c. lxxvii. s. 158.)</p>	<p>Compulsory, subject to such exemptions as are applicable in 6 Geo. 4, c. 125, ss. 59—61, 63; M. S. Act, 1864, ss. 353, 354, 362; M. S. Act, 1862, s. 41; and 39 & 40 Vict. c. 36, s. 141, (1) for all vessels with cargo, and all vessels above forty tons register in ballast, such vessels being inward bound over the bar of Burry; (2) all vessels outwards, of and above thirty tons if laden, and of and above fifty tons if in ballast. It is expressly provided by 21 & 22 Vict. c. lxxii. s. 68, that the provisions as to pilotage in the M. S. Act, 1864, shall, so far as applicable, apply to the Harbour and the Commissioners.</p>	<p>The pilotage is similar to the pilotage in the Cardiff Pilotage District (<i>supra</i>, p. 121). See The Bristol Channel Pilotage Act, 1861 (24 & 25 Vict. c. cxxxvi.), ss. 4, 31.</p>	<p>(f) Parliamentary Return, sess. 1878, No. 266. (g) Parliamentary Return, sess. 1867, No. 408. (h) <i>The Annapolis</i>, Lush. 296; <i>The City of Cambridge</i>, L. B., 5 P. C. 451; <i>The Princeton</i>, 3 P. D. 90. (i) Parliamentary Return, sess. 1867, No. 408. (k) Parliamentary Return, sess. 1878, No. 266.</p>

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place	Reign, Year and Chapter of Acts, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Extended Ships.
BAY AND HARBOUR OF PORTH CAWL (Pwll Gawl), Glamorganshire (c). Llynvi and Ogmore Railway Company and Great Western Railway Company.	Into and out of the Bay of Porth Cawl, from places between Sker and Nash Points, and inside the Sands into the Harbour, and <i>vice versa</i> .	5 Geo. 4, c. civ. s. 108, preserved by 18 Vict. c. 1, s. 5, and Sched. A. 27 & 28 Vict. c. xlviii. s. 36 O.C. 27 Nov. 1878	Compulsory, except for coasters and Irish traders, subject to such exemptions as are applicable in 6 Geo. 4, c. 125, ss. 59—61, 53; M. S. Act, 1854, ss. 353, 354, 362; M. S. Act, 1862, s. 41; and 39 & 40 Vict. c. 36, s. 141.
SOUTHWOLD HARBOUR (s). (<i>subalt</i>): Southwold Harbour Commissioners.	In and out of Southwold Harbour	11 Geo. 4 & 1 Will. 4, c. xlviii. ss. 63—68 16 Geo. 4, ss. 59—61, 68	Compulsory for all vessels above 40 tons register tonnage (11 Geo. 4 & 1 Will. 4, c. xlviii. s. 64), subject to such exemptions as are applicable in 6 Geo. 4, c. 125, ss. 59—61, 63; M. S. Act, 1854, ss. 353, 354, 362; M. S. Act, 1862, s. 41; and 39 & 40 Vict. c. 36, s. 141.
PORT OF SWANSEA (c): Swansea Harbour Trustees.	North of the line of the Neah Lights in one, and east of an imaginary line running north and south of a point four miles westward of the Helwink light vessel, placed off the Helwink Shoal, near the Worm's Head, in the county of Glamorgan. (O.C. 4 Feb. 1861.)	17 & 18 Vict. c. xxxvi. ss. 154—162, 166, 176 O.C. 23 Feb. 1860 O.C. 4 Feb. 1861 O.C. 7 Jan. 1864 [The trustees are empowered to make Regulations for the pilots licensed by them (17 & 18 Vict. c. xxxvi. s. 167)]	By sect. 162 of 17 & 18 Vict. c. xxxvi. it is provided that sect. 9 of the 47 Geo. 3, c. xxxiii. (see "Port of Bristol," <i>supra</i> , p. 131) shall not apply to any vessel (whether trading coastwise or foreign) navigating the Bristol Channel and bound to or from Swansea; and by sect. 158 of the first-mentioned Act pilots by pilots licensed by the Swansea Harbour Trustees is made compulsory on inward bound vessels. As to the pilotage of other vessels, see sect. 164. It was further provided by sect. 106 of the same Act that the pilotage clauses thereof should not come into force without the consent of the Board of Trade, and that until that consent was obtained the trustees should continue to exercise the powers they previously possessed with respect to pilotage. This consent, however, has apparently been given. (* Col. 3.)

(c) Parliamentary Returns, sess. 1870.
(s) Parliamentary Returns, sess. 1874, No. 904. Ayr—Ails.

(c) Parliamentary Returns, sess. 1871, No. 178.

List of certain Ports and Places in Scotland and Ireland with respect to which Statutory Provisions as to Pilotage exist.

*** In order to ascertain the nature of the Pilotage at each of the Ports and Places in the List, reference should be made to the Acts, Orders in Council, or authorities in the second column. Detailed information as to the bye-laws and regulations made by the different pilotage authorities in which the Pilotage jurisdiction at each Port or place is vested, will be found in the Pilotage Returns annually made from 1856 to the present time.

PILOTAGE TABLE.

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Ports or Places.	Acts, Orders in Council, and Authorities.
Aberbrothwick	2 & 3 Vict. c. xvi. s. 67; 27 & 28 Vict. c. xxxiii.
Aberdeen	31 & 32 Vict. c. cxxxviii. ss. 135—143.
Ayr	18 & 19 Vict. c. cxix. ss. 47, 48, 51, 82; 36 Vict. c. li.
Ballina	23 & 24 Vict. c. clxv. ss. 39—44.
Belfast	10 & 11 Vict. c. lii.; <i>The De Brua</i> , Irish Rep., 1 Eq. 72.
The Clyde (Glasgow, Greenock, &c.)	Clyde Navigation Consolidation Act, 1858; 21 & 22 Vict. c. cxlix; 29 & 30 Vict. c. clvi.; O.C. 12 Sept. 1863 (Exemptions); <i>Trustees of Clyde Navigation v. Barclay</i> , 1 App. Cases, 790.
Cork	1 Geo. 4, c. lii.; <i>The Eden</i> , 2 W. Rob. 442.
Drogheda	5 Vict. sess. 2, c. lvi. ss. 200—205.
Dublin	32 & 33 Vict. c. c. ss. 20—39; <i>Dublin Port and Docks Board v. Shannon</i> , Irish Rep., 7 C. L. 116; O. C. 4 Dec. 1861; <i>The Meteor</i> , Irish Rep., 9 Eq. 567.
Dundalk	18 & 19 Vict. c. clxxxix. ss. 87—99.
Dundee	38 & 39 Vict. c. cl. ss. 102—126.
Fraserburgh	41 Vict. c. cii. ss. 112—120.
Galway	16 & 17 Vict. c. ccvii. ss. 62—73; 23 & 24 Vict. c. ccii. ss. 53, 54.
Irvine	36 & 37 Vict. c. ccxiv. s. 47.
Kirkcaldy	12 & 13 Vict. c. xxx.; 39 & 40 Vict. c. clxxxix. ss. 64—71.
Leith and Coast of Scotland	The Trinity House of Leith is regulated by 1 Geo. 4, c. xxxvii. and 5 Geo. 4, c. xxxix.; <i>Hosack v. Gray</i> , 6 B. & S. 598; 34 L. J. M. C. 209.
Leith Harbour	O. C. 28 July, 1856; O. C. 30 June, 1860; 38 & 39 Vict. c. clx. ss. 69—71.
Limerick	4 Geo. 4, c. xciv. ss. 72, 73; 10 & 11 Vict. c. cxviii.
Londonderry	17 & 18 Vict. c. clxxvii. ss. 68—75.
Lossiemouth	19 & 20 Vict. c. lxxii. ss. 57, 58.
Macduff	10 & 11 Vict. c. cxxxvii.
New Ross	24 & 25 Vict. c. cxi. ss. 59—65; 37 & 38 Vict. c. cxvi. (see <i>Waterford</i>).
Newry	10 Geo. 4, c. cxxvi. ss. 135—139; O. C. 16 May, 1878.
Peterhead	36 & 37 Vict. c. clvii. ss. 67—74; 39 & 40 Vict. c. clxxiv.
Rosneath	26 & 27 Vict. c. 104.
Sligo	40 Vict. c. xxxv. ss. 86—106.
Tralee	9 Geo. 4, c. xlviii. ss. 70—75.
Waterford	9 & 10 Vict. c. ccxvii.; <i>The Victoria</i> , Irish Rep., 1 Eq. 386.
Westport	16 & 17 Vict. c. clxxxv. ss. 24—28.
Wexford	37 & 38 Vict. c. xl. ss. 72—85; O. C. 26 Oct. 1875.
Wick (Pulteney)	26 & 28 Vict. c. clxxx. ss. 22—24.

General Table of Pilotage Authorities in England and Wales—continued.

Name of District, Port or Place, and Name or Title of Pilotage authority.	Extent of Limits of District, Port or Place.	Regn. Year and Chapter of Acts, and date of Orders in Council regulating Pilotage.	Whether the Pilotage is Voluntary or Compulsory except for Exempted Ships.
BAY AND HARBOUR OF Porthcawl (Pwllcawl), Glamorganshire (a); Llynvi and Ogmore Railway Company and Great Western Railway Company.	Into and out of the Bay of Porth Cawl, from places between Siker and Nash Points, and inside the Sands into the Harbour, and vice versa.	6 Geo. 4, c. civ. s. 108, preserved by 18 Vict. c. l. s. 5, and Scheld. A. 27 & 28 Vict. c. xlviii. s. 36 O.C. 27 Nov. 1878	Compulsory, except for coasters and Irish traders, subject to such exemptions as are applicable in 6 Geo. 4, c. 125, ss. 59—61, 63; M. S. Act, 1864, ss. 363, 364, 365; M. S. Act, 1862, s. 41; and 39 & 40 Vict. c. 36, s. 141.
SOUTHWOLD HARBOUR (b) (Suffolk); Southwold Harbour Commissioners.	In and out of Southwold Harbour	11 Geo. 4 & 1 Will. 4, c. xlviii. ss. 63—68 6 Geo. 4, ss. 59—61, 66	Compulsory for all vessels above 40 tons register tonnage (11 Geo. 4 & 1 Will. 4, c. xlviii. s. 64), subject to such exemptions as are applicable in 6 Geo. 4, c. 125, ss. 59—61, 63; M. S. Act, 1864, ss. 353, 354, 362; M. S. Act, 1862, s. 41; and 39 & 40 Vict. c. 36, s. 141.
PORT OF SWANSEA (c); Swansea Harbour Trustees.	North of the line of the Nash Lights in one, and east of an imaginary line running north and south of a point four miles westward of the Hetwick light vessel, placed off the Hetwick Shoal, near the Worm's Head, in the county of Glamorgan. (O.C. 4 Feb. 1861.)	17 & 18 Vict. c. cxxvi. ss. 154—162, 166, 175 O.C. 22 Feb. 1860 O.C. 4 Feb. 1861 O.C. 7 Jan. 1864 [The trustees are empowered to make Regulations for the pilots licensed by them (17 & 18 Vict. c. cxxvi. s. 157)]	By sect. 162 of 17 & 18 Vict. c. cxxvi. it is provided that sect. 9 of the 47 Geo. 3, c. xxxiii. (see "Port of Bristol," <i>supra</i> , p. 181) shall not apply to any vessel (whether trading coastwise or foreign) navigating the Bristol Channel and bound to or from Swansea; and by sect. 158 of the first-mentioned Act pilotage by pilots licensed by the Swansea Harbour Trustees is made compulsory on inward bound vessels. As to the pilotage of other vessels, see sect. 164. It was further provided by sect. 106 of the same Act that the pilotage clauses thereof should not come into force without the consent of the Board of Trade, and that until that consent was obtained the trustees should continue to exercise the powers they previously possessed with respect to pilotage. This consent, however, has apparently been given. (* <i>Obi.</i> 3.)

(a) Parliamentary Return, sess. 1870.

(b) Parliamentary Return, sess. 1874, No. 904. *Amendm.*

(c) Parliamentary Return, sess. 1871, No. 176.

List of certain Ports and Places in Scotland and Ireland with respect to which Statutory Provisions as to Pilotage exist.

* * * In order to ascertain the nature of the Pilotage at each of the Ports and Places in the List, reference should be made to the Acts, Orders in Council, or authorities in the second column. Detailed information as to the bye-laws and regulations made by the different pilotage authorities in which the Pilotage jurisdiction at each Port or place is vested, will be found in the Pilotage Returns annually made from 1856 to the present time.

Ports or Places.	Acts, Orders in Council, and Authorities.
Aberbrothwick	2 & 3 Vict. c. xvi. s. 67; 27 & 28 Vict. c. xxxiii.
Aberdeen	31 & 32 Vict. c. cxxviii. ss. 135-143.
Ayr	18 & 19 Vict. c. cxxx. ss. 47, 48, 51, 52; 36 Vict. c. li.
Ballina	23 & 24 Vict. c. clxv. ss. 39-44.
Belfast	10 & 11 Vict. c. lii.; <i>The De Brui</i> , Irish Rep., 1 Eq. 72.
The Clyde (Glasgow, Greenock, &c.)	Clyde Navigation Consolidation Act, 1858, s. 21 & 22 Vict. c. cxlix; 29 & 30 Vict. c. clvi.; O. C. 12 Sept. 1863 (Exemptions); <i>Travellers of Clyde Navigation v. Barclay</i> , 1 App. Cases, 780.
Cork	1 Geo. 4, c. lii.; <i>The Eden</i> , 2 W. Rob. 412.
Drogheda	5 Vict. sess. 2, c. lvi. ss. 200-205.
Dublin	32 & 33 Vict. c. o. ss. 20-39; <i>Dublin Port and Docks Board v. Shannon</i> , Irish Rep., 7 C. L. 116; O. C. 4 Dec. 1861; <i>The Meteor</i> , Irish Rep., 9 Eq. 567.
Dundalk	18 & 19 Vict. c. clxxxix. ss. 87-99.
Dundee	38 & 39 Vict. c. cl. ss. 102-126.
Fraserburgh	41 Vict. c. cli. ss. 112-120.
Galway	16 & 17 Vict. c. ccvii. ss. 62-73; 23 & 24 Vict. c. cxli. ss. 63, 64.
Irvine	36 & 37 Vict. c. cxiv. s. 47.
Kirkcaldy	12 & 13 Vict. c. xxx.; 39 & 40 Vict. c. clxxx. ss. 64-71.
Leith and Coast of Scotland	The Trinity House of Leith is regulated by 1 Geo. 4, c. xxvii. and 6 Geo. 4, c. xxxix.; <i>Hoscock v. Gray</i> , 6 B. & S. 598, 34 L. J., M. C. 209.
Leith Harbour	O. C. 28 July, 1856; O. C. 30 June, 1860; 38 & 39 Vict. c. clx. ss. 69-71.
Limerick	4 Geo. 4, c. xciv. ss. 72, 73; 10 & 11 Vict. c. cxviii.
Londonderry	17 & 18 Vict. c. clxxvii. ss. 68-75.
Lossiemouth	19 & 20 Vict. c. lxxii. ss. 57, 58.
Macduff	10 & 11 Vict. c. lxxvii.
New Ross	24 & 25 Vict. c. xli. ss. 59-65; 37 & 38 Vict. c. cxvi. (see <i>Waterford</i>).
Newry	10 Geo. 4, c. cxxvi. ss. 135-139; O. C. 16 May, 1878.
Peterhead	36 & 37 Vict. c. clvii. ss. 67-74; 39 & 40 Vict. c. clxxiv.
Rossherry	26 & 27 Vict. c. 104.
Sligo	40 Vict. c. xxxv. ss. 86-106.
Tralee	9 Geo. 4, c. xlviii. ss. 70-75.
Waterford	9 & 10 Vict. c. ccxlii.; <i>The Victoria</i> , Irish Rep., 1 Eq. 336.
Westport	16 & 17 Vict. c. clxxxv. ss. 24-28.
Wexford	37 & 38 Vict. c. xl. ss. 72-85; O. C. 26 Oct. 1875.
Wick (Pulteney)	35 & 36 Vict. c. clxxx. ss. 22-24.

The Statutes contained in the Appendix to the earlier editions of this work, and which have been printed mostly at length in the present edition, have an immediate bearing upon, and are frequently referred to in, the text. There are, however, others which from their date or subject-matter are not of equal importance, but which may be usefully noticed; and with this view a Supplementary Appendix has been prepared, referring to them wholly or in part.

SUPPLEMENTARY APPENDIX.

13 GEO. 2, c. 17.

An Act for the Increase of Mariners and Seamen to Navigate Merchant Ships and other Trading Ships or Vessels. [1740.]

[This act provides *inter alia* that every person above fifty-five and below eighteen years of age, and every foreigner in the British merchant service, shall be entirely exempted from being impressed, and that every other person using the sea shall be exempted from being impressed for two years from the time of his first going to sea, and every apprentice to the sea service shall enjoy the same exemption for the first three years of his apprenticeship.]

19 GEO. 2, c. 22.

An Act for the better Preservation of Havens, Roads, Channels, and Navigable Rivers within that part of Great Britain called England. [1746.]

54 GEO. 3, c. 159.

An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers in the United Kingdom; and of his Majesty's Docks, Dockyards, Arsenals, Wharfs, Moorings and Stores therein; and for Repealing several Acts passed for that purpose (a). [29th July, 1814.]

1 & 2 GEO. 4, c. 76.

An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the jurisdiction of the Cinque Ports; and also for remedying certain Defects relative to the Adjustment of Salvage, under a Statute made in the Twelfth Year of the Reign of her late Majesty Queen Anne. [2nd July, 1821.]

Whereas by an act passed in the forty-eighth year of his late Majesty King George the Third, intituled "An Act for preventing Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the jurisdiction of the Cinque Ports; and also for remedying certain

(a) Repealed in part by 28 & 29 Vict. c. 112, s. 1; 36 & 37 Vict. c. 91; and 38 & 39 Vict. c. 25, s. 18.

Lord warden to appoint commissioners to determine differences relative to salvage.

Commissioners to appoint a secretary or register, subject to the approbation of the lord warden.

Proceedings to be entered.

Power to commissioners to settle all differences which may arise.

Commissioners to be paid by the owners, &c. for their trouble such fees as shall be allowed by the lord warden.

No commis-

Defects relative to the Adjustment of Salvage, under a Statute made in the Twelfth Year of her late Majesty Queen Anne;" which act was to continue in force for seven years, and from thence to the end of the next session of parliament. And whereas by an act passed in the fifty-third year of his late Majesty King George the Third, the said above recited act, except so far as the same was altered, was further continued in force for seven years from the passing of the said act, and from thence to the end of the next session of parliament, and no longer. And whereas it is expedient that the said recited acts should be further continued, except so far as the same are altered by this act; be it therefore enacted, &c., That it shall and may be lawful for the lord warden of the Cinque Ports for the time being to nominate and appoint, by any instrument or instruments under his hand and seal, three or more substantial persons in each of the Cinque Ports, two ancient towns and their members, to adjust and determine any difference relative to salvage (which may arise) between the master of any vessel and the person or persons bringing such cables and anchors ashore; and in case any ship or vessel shall be either forced or cut from her cables and anchors, by extremity of weather, or by any other accident whatever, and leave the same in any roadstead or other place within the jurisdiction of the Cinque Ports, two ancient towns and their members, and the salvage cannot be adjusted between the persons concerned, then the same shall be determined by any three or more of the said persons so to be appointed as aforesaid, within the space of twenty-four hours after such difference shall be referred to them for their determination thereof, any usage or custom to the contrary in anywise notwithstanding: Provided always, that such commissioners shall, immediately after their nomination, proceed to elect some fit and proper person, who shall be a notary or master extraordinary in chancery, as their secretary or register, except to the port of Dover, where the register for the time being of the Court of Admiralty of the Cinque Ports shall be the register; and which secretary or register shall enter in a book, to be kept for that purpose, all the proceedings of such commissioners, and also a copy of the awards which they shall from time to time make; but such election of secretaries or registers shall be subject to the approbation of the lord warden for the time being.

2. And be it further enacted, that it shall be lawful for the said commissioners, to be appointed as aforesaid, to decide on all claims and demands whatever which shall or may be made by pilots, hovellers, boatmen, and other persons, for services of any sort or description rendered to any ship or vessel, as well for carrying off from the shore to such ship or vessel any anchors, cables, or other stores from any part or port of the coast of Kent, Sussex, Essex or the Isle of Thanet, within the jurisdiction aforesaid, as for the conducting and conveying such ships and vessels from the Downs, and other bays and roadsteads on the coast of Kent, Sussex, and Essex, and the Island of Thanet, or from the sea or any other place to Ramsgate, Dover, or any other harbour, port, or place, on the said coasts within the jurisdiction aforesaid, or for the saving and preserving, within the jurisdiction aforesaid, any goods or merchandize wrecked, stranded, or cast away from any ship or vessel, the master or owners thereof, or their agents, being present at the place where the commissioners shall be sitting; and that the said commissioners shall have full power and authority to hear and determine on all cases whatever of services rendered by pilots, boatmen, and others, to shipping within the jurisdiction aforesaid, whether such ships or vessels shall be in distress or not; and that it shall be lawful for the said commissioners, whenever they see occasion, to examine the parties or their witnesses upon their oaths, which oaths shall and may be administered by the said secretary or register.

3. And be it further enacted, that it shall be lawful for the commissioners so to be appointed, and their secretary or register as aforesaid, who shall decide on any such claims or demands as aforesaid, to demand and receive of and from the owners of such ships or vessels, or the proprietors of any such goods or merchandizes, against whom any pilot, boatman or other person shall make any claim or demand for services of any sort rendered to such ships or vessels, or for the sole saving and preserving any goods or merchandizes wrecked, stranded, or cast away within the jurisdiction aforesaid; and such owners and proprietors are hereby required to pay to them such fee or reward for deciding on every such claim and demand as shall be adjudged to them in that behalf by the lord warden of the Cinque Ports for the time being. Provided always, that no person

to be appointed a commissioner by virtue of this act shall have power or authority to act in any other port or place than that in which he is resident, or from which his usual place of residence is not distant more than one mile; and that before such commissioners shall in any case proceed to act, they shall severally take the following oath before a magistrate or a commissioner of the Court of King's Bench or Common Pleas, or a master extraordinary in Chancery; (*videlicet*,)

"I A. B. do swear, that I have not, neither will I in any way, directly or indirectly, take or receive any fee, emolument or reward, from any of the parties whose interests are referred to my decision (save and except such fee or reward as shall be allowed by the lord warden to be paid to me by the shipowners or proprietors of the cargo, or their agents); and that I will not accept or receive any fee whatever from the persons claiming reward or salvage; but that I will decide according to the best of my judgment, on the evidence to be brought before me, without favour or affection to either party. So help me God."

sioner shall act out of the place where he is resident.

Commissioners to take the following oath.

Form of oath.

4. And be it further enacted, that in case the party or parties so claiming to be entitled to salvage or compensation for services rendered as aforesaid, or the party or parties who are to pay the same, or their agents, shall be dissatisfied with such award and decision of the commissioners, it shall and may be lawful for either of them respectively, within eight days after such award is made, but not afterwards, to declare to the commissioners his or their desire of obtaining the judgment of some competent Court of Admiralty respecting the said salvage or compensation as aforesaid, and thereupon such party or parties shall forthwith be required by the commissioners to declare whether he or they will proceed in the Court of Admiralty of the Cinque Ports, or the High Court of Admiralty of England, and he or they shall so proceed within twenty days from the date of such award, by taking out a monition against the adverse party; but in such case the said commissioners are hereby empowered and required to permit the said ship and her cargo, notwithstanding such declaration and proceeding, to depart on her voyage, or to deliver to the owners and proprietors, or their agents, any goods or merchandizes respecting which any claim for salvage shall be made upon the owners or proprietors of the same, or their agents, giving good and sufficient bail in double the amount of the sum awarded; and which bail the said commissioners, or any of them, are and is hereby authorized to take and certify according to the form contained in the schedule hereunto annexed, and to transmit the same without delay to the Court of Admiralty, in which the intention of proceeding shall be so declared, together with a true certificate in writing of the gross value of the whole ship and cargo, or other goods and merchandizes respecting which salvage shall be claimed, and also an official copy of such proceedings and awards, certified by the said secretary or register, and the same shall be admitted by such Court of Admiralty as evidence in the cause.

Parties dissatisfied may appeal to the High Court of Admiralty, or the Admiralty of the Cinque Ports; but the ship to be liberated, on giving bail in double the amount of the award.

Bail to be taken and certified according to schedule annexed.

5. Provided always, and be it further enacted, that on an appeal so as aforesaid being made to the Court of Admiralty of the Cinque Ports, or to the High Court of Admiralty, the same shall be taken and held to be final, and no ulterior appeal from sentence of the Court of Admiralty of the Cinque Ports, or from the High Court of Admiralty, shall lie to the king in Chancery.

The appeal to be conclusive.

[Sections 6 to 14 are repealed by the Merchant Shipping Act Repeal Act, 1854, s. 4.]

15. And be it further enacted, that the lord warden of the Cinque Ports for the time being, and the lieutenant of Dover Castle for the time being, and the deputy wardens of the Cinque Ports for the time being, and the judge official and commissary of the Court of Admiralty of the Cinque Ports, two ancient towns, and the members thereof for the time being, and any other officer who shall be specially appointed by the lord warden, and all and every of them, shall and may execute, perform and do, within the jurisdiction aforesaid, all the acts, matters and things contained in this act, in like manner, to all intents and purposes, as any magistrate or magistrates, or any commissioner or commissioners to be appointed by virtue of this act, is and are authorized to execute, perform and do the same.

The lord warden and his deputies, judge, &c. to have the like power as justices of the peace or commissioners under this act.

16. [Manner of issuing commissions for the punishment of offences, agreeably to 28 H. 8, c. 15 (Piracy, &c.)—Reservation of the rights of the High Court of Admiralty, and of the Court of Admiralty of the Cinque Ports.]

[Section 17 is repealed by the Merchant Shipping Act Repeal Act, 1854, s. 4.]

Boundaries of
the jurisdiction
of the lord
warden of the
Cinque Ports.

18. And whereas doubts have arisen as to the exact boundaries of the jurisdiction of the lord high admiral and the lord warden of the Cinque Ports, and it is highly expedient for the purposes of this act that the same should be clearly set forth; now it is hereby declared and enacted, that the boundaries of the jurisdiction of the lord warden of the Cinque Ports, in regard to any matter or thing contained in this act, shall be and shall be deemed and taken to be as follows; (that is to say), from a point to the westward of Seaford, in the county of Sussex, called Red Cliff, including the same; thence passing in a line one mile without the sand or shoal called the Horse of Willingdon, and continuing the same distance without the ridge and new shoals; and thence in a line within five miles of Cape Grisnez on the coast of France; thence round the shoal called the Overfalls, two miles distant from the same; thence in a line without, and the same distance along the eastern side of the Galloper Sand, until the north end thereof bears west-north-west true bearing from the west-north-west bearing of the Galloper, it runs in a direct line across the shoal called the Thwart Middle, till it reaches the shore underneath the Maze Tower; from thence following in a line of the shore up to Saint Orsyth, in the county of Essex, and following the course of the shore up to the River Coln to the landing place nearest Brightlingsea; from thence in a direct line to Shoe Bacon; from thence to the Point of Shellness, on the Isle of Shippey; and from thence across the waters to Feversham; and from thence following the line of coast round the North and South Forelands, and Beachy Head, till it reaches the said Red Cliff, including all the waters, creeks and havens comprehended between them: provided always, and it is hereby declared, that nothing in this act contained shall extend, or be construed to extend, to enlarge or abridge the local limits of the ancient jurisdiction, rights, and privileges of the lord high admiral of England, or the lord warden or admiral of the Cinque Ports respectively, or their respective representatives; but that the same shall remain according to ancient usage, and that the description hereinbefore contained shall only be deemed applicable to the purposes of this act, anything herein contained to the contrary notwithstanding.

[Sections 19 to 22 are repealed by the Merchant Shipping Act Repeal Act, 1854, s. 4.]

The SCHEDULE to which this act refers.

On the day of , in the year of our Lord , before, &c.
at , in the county of .

[Ship's Names.]

A. B. [here insert the name of the salvors] against the said ship, whereof was master, her tackle, apparel and furniture, and the goods, wares and merchandizes on board the same; and also against the said master, and the owners of the said ship and cargo [or, as the case may be, against certain goods and merchandizes lately laden on board the said ship, whereof was master; and also against the said master, and the owners (or if the owners alone appear by themselves or agents, then leave out the master's name) of the said goods and merchandizes], in a cause of salvage.

[Master's Names.]

On which day appeared personally W. Z. of , and Y. Z. of , who produced themselves as sureties for the said , the master, and for the owners of the said ship and cargo [or as the case may be] for the said , master and owners of the said goods and merchandizes, and submitting themselves to the jurisdiction of the High Court of Admiralty of England [or, the Court of Admiralty for the Cinque Ports, as the case may be], bound themselves, their heirs, executors and administrators, for the said master and owners of the said ship and cargo, [or as the case may be] for the said , master and owners, or, for the owners of the said goods and merchandizes, in the sum of pounds of lawful money of Great Britain, unto the said A. B. &c. to answer the salvage and expenses of the said ship and cargo [or as the case may be], on the said goods and merchandize, as shall hereafter be decreed by the said court, according to the tenor of the act in that behalf made and provided; and unless they shall so do, they hereby consent that execution shall issue forth against them, their

heirs, executors and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum above mentioned.

This bail was duly taken, acknowledged and received at the time and place above written, before me the undersigned commissioner; and I do hereby further certify that I do believe and consider the persons above mentioned sufficient security for the sum of pounds.	}	W. X. Y. Z.
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4 GEO. 4, c. 80.

An Act to consolidate and amend the several Laws now in force with respect to Trade from and to places within the Limits of the Charter of the East India Company, and to make further provisions with respect to such Trade; and to amend an Act of the present Session of Parliament so far as it relates to Vessels registered in India. [18th July, 1823.]

[This act, in sects. 25—34, provides for the proper treatment of Lascars in ships trading to India.]

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6 GEO. 4, c. 78.

An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof (a). [27th June, 1825.]

WHEREAS it is expedient to repeal the several laws relating to the performance of quarantine, and to make other provisions in lieu thereof: Be it therefore enacted, &c., That from and after the first day of June one thousand eight hundred and twenty-five, all and every act, and all parts of acts of the Parliament of Great Britain and Ireland respectively, and of the Parliament of the United Kingdom, relating to the performance of quarantine, or relating to the charging any duty or duties upon vessels which may be liable to, or have performed quarantine, shall be and the same is hereby repealed.

Acts relating
to quarantine
repealed.

2. And be it enacted, That from and after the first day of June, one thousand eight hundred and twenty-five, all vessels, as well his Majesty's ships of war as others, coming from or having touched at any place from whence his Majesty, his heirs or successors, by and with the advice of his or their Privy Council, shall have adjudged and declared it probable that the plague or other infectious disease or distemper highly dangerous to the health of his Majesty's subjects may be brought, and all vessels and boats receiving any person, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever, from or out of any vessel so coming from or having touched at such infected place as aforesaid, whether such persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles, shall have come or been brought in such vessels, or such persons shall have gone, or articles have been put on board the same, either before or after the arrival of such vessels at any port or place in the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, and whether such vessels were or were not bound to any port or place in the United Kingdom, or the islands aforesaid, and all persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever on board

What vessels
shall be liable
to quarantine.

(a) See 38 & 39 Vict. c. 55, s. 343; and see Sched. V. part III. [*infra*, pp. 166—167], and 39 & 40 Vict. c. 36, s. 234 [*infra*, p. 168].

of any vessels so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be and be considered to be liable to quarantine within the meaning of this Act, and of any order or orders which shall be made by his Majesty, his heirs and successors, by and with the advice of his or their Privy Council, concerning quarantine and the prevention of infection, from the time of the departure of such vessels from such infected place as aforesaid, or from the time when such persons, goods, wares, merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles shall have been received on board respectively; and all such vessels and boats as aforesaid, and all persons (as well pilots as others), goods, wares, and merchandize, and all other articles as aforesaid, whether coming or brought in such vessels or boats from such infected place as aforesaid, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the islands aforesaid, and all persons, goods, wares, and merchandize, and other articles as aforesaid, on board such receiving vessel or boat as aforesaid, shall, upon their arrival at any such port or place, be obliged to perform quarantine in such place or places, for such time and in such manner as shall from time to time be directed by his Majesty, his heirs or successors, by his or their Order or Orders in Council (a), notified by proclamation, or published in the "London Gazette;" and that until such vessels and boats, persons, goods, wares, and merchandize, and other articles as aforesaid, shall have respectively performed and shall be duly discharged from quarantine, no such person, goods, wares, or merchandize, or other articles as aforesaid, or any of them, shall, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the islands aforesaid, come or be brought on shore, or go and be put on board any other vessel or boat, in order to come or be brought on shore in any such port or place, although such vessels so coming from such infected place as aforesaid may not be bound to any port or place in the United Kingdom, or the islands aforesaid, unless in such manner and in such cases, and by such licence as shall be directed or permitted by such Order or Orders made by his Majesty, his heirs or successors, in Council, as aforesaid; and all such vessels and boats, whether coming from such infected place as aforesaid, or being otherwise liable to quarantine as aforesaid, and all persons (as well pilots as others), goods, wares, and merchandize, and other articles as aforesaid, whether coming or brought in such vessels or boats, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the islands aforesaid, and although such vessels or boats shall not be bound to any port or place in the United Kingdom, or the islands aforesaid; and all commanders, masters, or other persons, having the charge or command of any such vessels or boats, whether coming from any infected place, or being otherwise liable to quarantine as aforesaid, shall be subject to all provisions, rules, regulations, and restrictions contained in this Act, or in any Order or Orders which shall be made by his Majesty, his heirs and successors, in Council, as aforesaid, concerning quarantine and the prevention of infection, and to all the pains, penalties, forfeitures, and punishments contained in this Act, for any breach or disobedience thereof, or of any Order or Orders of his Majesty in Council made under the authority thereof.

Power for
Privy Council
to order vessels
coming from
America or the

3. And be it further enacted, That it shall and may be lawful for his Majesty, his heirs and successors, by his or their Order in Council, or for the lords or others of his or their Privy Council, or any two or more of them, by their order from time to time, as often as they may see reason

(a) See "Orders in Council," *supra*, pp. 84—88.

to apprehend that the yellow fever or other highly infectious distemper prevails on the continent of America, or in the West Indies, to require that every vessel coming from or having touched at any port or place on the continent of America or in the West Indies, shall come to an anchor at certain places to be appointed from time to time by the commissioners of his Majesty's customs (who are hereby authorized to make such appointment), for the purpose of having the state of health of the crew of such vessel ascertained before such vessel shall be permitted to enter the port whereto she shall be bound, or any other port of the United Kingdom; but that such vessel shall not be deemed liable to quarantine unless it shall be afterwards specially ordered under that restraint.

West Indies, when the yellow fever, &c. prevails there, to go to certain places without being liable to quarantine.

4. [*Power to Lord Lieutenant of Ireland, where the urgency of the case requires, to give directions, by proclamation, where vessels shall perform quarantine, &c.*]

5. And whereas certain sorts of goods and merchandize are more especially liable to retain infection, and may be brought from places infected into other countries, and from thence imported into the United Kingdom, or the islands aforesaid: Be it enacted, That all such goods and merchandize as shall be particularly specified for that purpose in any Order or Orders made by his Majesty, his heirs or successors, in Council, concerning quarantine and the prevention of infection as aforesaid, which shall be brought or imported into any port or place in the United Kingdom, or the islands aforesaid, from any foreign country or place, in any vessel whatever, and the vessels in which the same shall be brought, and also all vessels which shall arrive from any port or place whatever, under any alarming or suspicious circumstances as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such Order or Orders of his Majesty, his heirs or successors, in council as aforesaid, respecting the same.

Goods and vessels specified in any Order of Council subject to quarantine, as also all vessels arriving from any port under suspicious circumstances as to infection.

6. And be it further enacted, That it shall and may be lawful for the lords and others of his Majesty's Privy Council, or any two or more of them, to make such order as they shall see necessary and expedient upon any unforeseen emergency, or in any particular case or cases, with respect to any vessel arriving and having any infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although such vessels shall not have come from any place from which his Majesty, his heirs or successors, by and with the advice of his Privy Council, may have adjudged and declared it probable that the plague or any such infectious disease or distemper may be brought, and also with respect to the persons, goods, wares, and merchandize, and other articles as aforesaid on board the same, and in case of any infectious disease or distemper appearing or breaking out in the United Kingdom, or the islands aforesaid, to make such orders and give such direction, in order to cut off all communication between any persons infected with any such disease or distemper, and the rest of his Majesty's subjects, as shall appear to the said lords or others of his Majesty's Privy Council, or any two or more of them, to be necessary and expedient for that purpose, and likewise to make such orders as they shall see fit, for shortening the time of quarantine to be performed by particular vessels or particular persons, goods, wares, merchandize, or any other articles, or for absolutely or conditionally releasing them or any of them from quarantine; and all such orders so made by the lords or others of the Privy Council, or any two or more of them as aforesaid, shall be as good, valid, and effectual, to all intents and purposes, as well with respect to the commander, master, or other person having the charge of any vessel, and all other persons on board the same, as with respect to any other persons having any intercourse or communication with them,

The Privy Council may make such order as they shall think necessary upon emergencies.

and to the penalties, forfeitures, and punishments to which they may respectively become liable, as any Order or Orders made by his Majesty, his heirs or successors, by and with the advice of his or their Privy Council, concerning quarantine notified by proclamation or published in the "London Gazette" (a).

Regulations for vessels in which infection shall appear within or without the Straights of Gibraltar.

7. And be it further enacted, That if the plague, or such other infectious disease or distemper as aforesaid, shall appear on board any vessel within or without the Straights of Gibraltar, then the commander, master, or other person having the charge or command thereof, shall immediately proceed to such place as his Majesty, his heirs or successors, by and with the advice of his or their Privy Council, shall from time to time direct and appoint; where being arrived, he shall make known his case to some officer of the customs there, who shall with all possible speed send intelligence thereof to the commissioners of the customs in the port of London, to the end that such precautions may be used to prevent the spreading of the infection, as the case shall require; and the said vessel shall there remain until directions shall be given thereto by the lords or others of his Majesty's Privy Council, or any two or more of them; nor shall any of the crew or passengers on board thereof go on shore; and such master and every other person on board such vessel shall obey such directions as he shall receive from the lords and others of his Majesty's Privy Council, or any two or more of them as aforesaid; and the said commander, master, or any other person on board such vessel as aforesaid, who shall not act conformably to the provisions and regulations herein directed, or shall act in disobedience to such directions as shall be received on board such vessel from the lords or others of the Privy Council, or any two or more of them as aforesaid, shall forfeit the sum of one hundred pounds.

Masters of vessels liable to quarantine to make signals on meeting other vessels at sea, or being within two leagues of the United Kingdom, or Guernsey, &c., on penalty of 100/.

8. And be it further enacted, That every commander, master, or other person having the charge of any vessel liable to the performance of quarantine, shall be and is hereby required, at all times, when such vessel shall meet with any other vessel at sea, or shall be within two leagues of the coast of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a signal to denote that his vessel is liable to the performance of quarantine, which signal shall in the daytime, if the said vessel shall have a clean bill of health, a large yellow flag, of six breadths of bunting, at the maintop mast-head, and if such vessel shall not have a clean bill of health, then a like yellow flag, with a circular mark or ball, entirely black in the middle thereof, whose diameter shall be equal to two breadths of bunting; and in the night-time the signal shall in both cases be a large signal lanthorn with a light therein (such as is commonly used on board his Majesty's ships of war), at the same mast-head; and such commander, master, or other person shall keep such signals respectively, as the case shall be, hoisted during such time as the said vessel shall continue within sight of such other vessel, or within two leagues of the said coasts or islands, and while so in sight, or within such distance, until such vessel so liable to quarantine as aforesaid shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof; on failure whereof such commander, master, or other person having charge of such ship or vessel so liable to the performance of quarantine shall forfeit and pay for every such offence the sum of one hundred pounds.

Masters of vessels to hoist certain signals when plague

9. And be it further enacted, That every commander, master, or other person having the charge of any vessel on board whereof the plague or other infectious disease or distemper highly dangerous to the health of his Majesty's subjects shall actually be, shall be and is hereby required

(a) See "Orders in Council," *supra*, pp. 84—88.

at all times when such vessel shall meet with any other vessel at sea, or shall be within two leagues of the coast of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a signal to denote that his vessel has the plague or other infectious disease or distemper highly dangerous to the health of his Majesty's subjects actually on board thereof, which signal shall be in the daytime a flag of yellow and black, borne quarterly, of eight breadths of bunting, at the maintop mast-head; and in the night time, the signal shall be two large signal lanterns, such as are commonly used on board of his Majesty's ships of war, one over the other, at the same mast-head; and such commander, master, or other person shall keep such signal hoisted during such time as the said vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof, shall continue within sight of such other vessel, or within two leagues of the coasts or islands aforesaid, while so in sight or within such distance, until such vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof, shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof; on failure thereof such commander, master, or other person having charge of such vessel shall forfeit and pay for every such offence the sum of one hundred pounds.

or infectious disease on board, on penalty of 100l.

10. And be it further enacted, that if any commander, master, or other person having the charge or command of any vessel, and knowing that the same is not liable to the performance of quarantine, shall hoist such signal as aforesaid, or either of them, by day or night respectively, such commander or other person as aforesaid shall forfeit and pay the sum of fifty pounds.

Penalty on persons hoisting signals when not liable, 50l.

11. [*Masters of vessels, on their arrival from foreign parts, to give to the pilot an account, in writing, of the places at which they have loaded and touched, on penalty of 100l.—Pilots to give notice of any proclamation or Order in Council requiring the performance of quarantine, on penalty of 100l.; and, if ship liable to quarantine, quarantine signals to be hoisted.*]

12. [*Masters of vessels coming from foreign parts and not liable to quarantine in respect of the place of their departure, to give pilots an account, in writing, of the cargo on board; and pilots to give notice to masters, if vessel be liable to quarantine on account of such cargo, when quarantine signals to be hoisted—Pilots conducting vessels liable to quarantine to any other place than that appointed for their reception, to be liable to a penalty of 200l.*]

13. [*Pilots and masters of vessels from foreign parts to bring to at request of officers of customs, on penalty of 100l.*].

14. And to the end that it may be better known whether any vessel be actually infected with the plague or other infectious disease or distemper as aforesaid, or whether such vessel, or the mariners or passengers coming, or the cargo imported in the same, are liable to any Orders touching quarantine, be it further enacted, that when any country or place shall be known or suspected to be infected with the plague or other infectious disease or distemper as aforesaid, or when any Order or Orders shall be made by his Majesty in Council concerning quarantine and the prevention of infection as aforesaid, then and in such case, as often as any vessel shall attempt to enter into any port or place in the United Kingdom, or of the Isles of Guernsey, Jersey, Alderney, Sark or Man, whether such port shall have been appointed for the performance of quarantine or not, the superintendent or assistant at such port or place, or if not, the principal

For better ascertaining whether vessels be actually infected, or the persons on board liable to orders touching quarantine.

Masters of vessels refusing to answer interrogatories, &c. to forfeit 200l.

officer of his Majesty's customs at such port or place, or such officer of the customs as shall be authorized to act in that behalf, shall go off to such vessel, and shall, at a convenient distance from such vessel, demand of the commander, master, or other person having charge of such vessel, and such commander, master, or other person shall, upon such demand, give a true answer in writing or otherwise, and upon oath or not upon oath, according as he shall by such superintendent or his assistant, or other officer of the customs authorized as aforesaid, be required, to all such questions or interrogatories as shall be put to him by virtue and in pursuance of such regulations and directions as his Majesty by Order in Council shall be pleased to prescribe; and in case such commander or master or other person having charge of such vessel shall, upon such demand made as aforesaid, refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner aforesaid, or in case he shall not be required to answer such questions or interrogatories upon oath, shall give a false answer to any such question or interrogatory as aforesaid, such commander, master, or other person having charge of such vessel for every such offence shall forfeit and pay the sum of two hundred pounds.

[Section 15 provides, that vessels subject to quarantine arriving at any port than that at which it ought to be performed, may be forced to repair to the appointed place; and that masters of vessels that have touched at infected places, &c., shall, if they omit to disclose the same, or to hoist the proper quarantine signals, forfeit 300l.]

16. [Masters, &c. to deliver up bills of health, manifests, log books and ship's papers, to the superintendent of quarantine, on penalty of 100l.]

17. [400l. penalty on masters, &c. quitting or permitting persons to quit vessels liable to quarantine, or not conveying the same to the places appointed for the performance of the quarantine—Penalty of 300l. and imprisonment for six months on persons coming in or going on board such vessels, and quitting them before discharge from quarantine.]

18. [Provisions for punishing disobedience or refractory behaviour in persons under, or liable to, quarantine, or persons having intercourse with them—Persons refusing to repair to the lazaret, &c. to forfeit 200l.]

19. [Persons quitting vessels liable to perform quarantine, &c. may be seized.]

20. [Intercourse with stations allotted for quarantine, may be prohibited by Order in Council.]

21. [Officers of customs, &c. embezzling goods performing quarantine, or neglecting or deserting their duty, to forfeit office, &c. and pay 200l.—Any such officers, &c. permitting persons, vessels, &c. to depart without authority, or giving false certificates, guilty of felony, and if wilfully damaging goods performing quarantine, liable to 100l. penalty and costs.]

Vessels from the Mediterranean, Turkey, or Africa, having undergone examination and released from quaran-

22. And be it further enacted, that if any vessel arriving from the Mediterranean, or from any port in Turkey or Africa, shall have undergone examination by the proper officer of quarantine, and upon a report of such examination being made to the lords or others of his Majesty's Privy Council, their lordships shall think proper to direct the release of such vessel from the performance of quarantine, it shall be lawful for such officer, and he is hereby required, to grant to the master or person having the charge or command of such vessel, a certificate in writing of such ex-

amination and release, and upon the production of such certificate to the collector or principal officer of his Majesty's customs, at any port in the United Kingdom, such vessel shall be admitted to entry without being liable to any further restraint (a).

tine, to be admitted to entry upon producing a certificate of such examination.

23. [After proof of performance of quarantine, and proper certificate to that effect, vessels or persons shall not be liable to further detention.]

24. [Goods liable to perform quarantine shall be opened and aired, as directed by Order in Council—On proof of such Order in Council having been obeyed and certificate thereof granted, goods to be no longer detained.]

25. [Persons forging, &c. certificates required by Order in Council, guilty of felony.]

26. [Persons landing goods, &c. from vessels liable to perform quarantine, or receiving or clandestinely conveying the same from vessels performing quarantine, to forfeit 100*l*.]

27. [His Majesty in certain cases may prohibit vessels under 100 tons from sailing until bond be given by the master with certain conditions—Penalty for sailing without giving such security, forfeiture of vessel, &c. and 200*l*. penalty.]

28. And be it further enacted, that the consuls and vice-consuls of his Majesty, his heirs and successors, shall and are hereby empowered to administer oaths in all cases respecting quarantine, in like manner as if they were magistrates of the several towns or places where they respectively reside.

Power to consuls, &c. to administer oaths.

29. [Persons authorized to take examinations may administer oaths, and persons swearing falsely, or procuring others so to do, shall be deemed guilty of perjury.]

30. And be it further enacted, that all superintendents of quarantine at the several ports, and their assistants, shall and may be appointed by any instrument signed by the Commissioners of Customs for the time being; and everything required to be done and performed by the superintendent of quarantine, or his assistant, may, in case of the absence or sickness of such superintendent or assistant, be done and performed by such principal officer of the Customs as shall be authorized to act in that behalf.

Superintendents at ports to be appointed. Principal officer of the customs to act as superintendent of quarantine in case of absence, &c. Publication in the London Gazette of Orders of Council, &c. sufficient notice.

31. And be it further enacted, that the publication in the "London Gazette" of any Order in Council, or of any Order by any two or more of the lords or others of his Majesty's Privy Council, made in pursuance of this act, or his Majesty's royal Proclamation made in pursuance of the same, shall be deemed and taken to be sufficient notice to all persons concerned of all matters therein respectively contained.

[Section 32 relates to the recovery and application of penalties recovered under the act.]

[Sections 33 to 35 relate to procedure.]

36. [Answers of persons having the charge of vessels shall be received as evidence so far as relates to the places from which vessels came, or at which they touched, and the having been directed to perform quarantine shall be received as evidence that vessels were liable to perform quarantine, unless

(a) See Appendix, "Forms" No. 47, *supra*, p. cxxcliii.

proof be made to the contrary, and the performing quarantine shall be proof of vessels being liable to perform it.]

37. [General issue, treble costs, and limitation of actions under the act to six months after alleged wrongful act.]

6 & 7 WILL. 4, c. 11.

An Act for the Registration of Aliens, and to Repeal an Act passed in the seventh year of the reign of his late Majesty for that Purpose.

[19th May, 1836.]

WHEREAS it is expedient . . . that provisions in respect of aliens should be made . . . : Be it therefore enacted, &c.

Masters of vessels arriving from foreign parts to declare what aliens are on board or have landed from their vessels.

Penalty for omission of declaration.

Saving as to foreign mariners navigating the vessel.

8. And be it further enacted, that the master of every vessel which after the commencement of this act shall arrive in this realm from foreign parts shall immediately on his arrival declare in writing to the chief officer of the Customs at the port of arrival whether there is to the best of his knowledge any alien on board his vessel, and whether any alien hath to his knowledge landed therefrom at any place within this realm; and shall in his said declaration specify the number of aliens, if any, on board his vessel, or who have to his knowledge landed therefrom, and their names, rank, occupation and description as far as he shall be informed thereof; and if the master of any such vessel shall refuse or neglect to make such declaration, or shall wilfully make a false declaration, he shall for every such offence forfeit the sum of 20*l.*, and the further sum of 10*l.* for each alien who shall have been on board at the time of the arrival of such vessel or who shall have to his knowledge landed therefrom within this realm, whom such master shall wilfully have refused or neglected to declare; and in case such master shall neglect or refuse forthwith to pay such penalty it shall be lawful for any officer of the Customs, and he is hereby required to detain such vessel until the same shall be paid: provided always that nothing hereinbefore contained shall extend to any mariner actually employed in the navigation of such vessel during the time that such mariner shall remain so actually employed.

9. [Penalty for making false declaration.]

10. [Prosecution of offences to be within six months of offence committed.]

This act not to affect foreign ministers or their servants; nor aliens who have been resident for three years and obtained a certificate thereof; nor aliens under fourteen years of age.

11. Provided always and be it further enacted that nothing in this act contained shall affect any foreign ambassador or other public minister duly authorized, nor any domestic servant of any such foreign ambassador or public minister registered as such according to law or being actually attendant upon such ambassador or minister; nor any alien who shall have been continually residing within this realm for three years next before the passing of this act, or who shall hereafter at any time complete such residence of three years, and who shall have obtained from one of his Majesty's principal secretaries of state, or from the chief secretary for Ireland, a certificate thereof; nor any alien in respect of any act done or omitted to be done who shall be under the age of fourteen years at the time when such act was so done or omitted to be done: provided always that if any question shall arise whether any person alleged to be an alien and to be subject to the provisions of this act is an alien or not, or is or is not subject to the said provisions or any of them, the proof that such person is or by law is to be deemed to be a natural-born subject of his Majesty, or a denizen of this kingdom, or a naturalized subject, or that such person if an alien

is not subject to the provisions of this act or any of them by reason of any exception contained in this act or otherwise, shall lie on the person so alleged to be an alien, and to be subject to the provisions of this act.

1 VICT. c. 36.

An Act for Consolidating the Laws relative to offences against the Post Office of the United Kingdom, and for Regulating the Judicial Administration of the Post Office Laws, and for Explaining certain Terms and Expressions employed in those Laws.

[18th July, 1837.]

6. And for compelling the observance of the provisions of the Post Office Laws relating to the conveyance of ship letters, be it enacted that every master of a vessel outward bound to Ceylon, the Mauritius, the East Indies, or the Cape of Good Hope, who shall refuse to take a post letter bag delivered or tendered to him by an officer of the Post Office for conveyance shall forfeit 200*l.*; and every master of a vessel who shall open a sealed letter bag with which he shall be entrusted for conveyance, a letter, or any other thing, shall forfeit 200*l.*; and every master who shall take out of a letter bag with which he shall be entrusted for conveyance a letter or any other thing, shall forfeit 200*l.*; and every master of a vessel who shall not duly deliver a letter bag with the contents at the post office on his arrival in port, without wilful or unavoidable delay after his arrival, shall forfeit 200*l.*; and every person to whom letters may have been entrusted by the master of a vessel to bring on shore who shall break the seal, or in any manner wilfully open the same, shall forfeit 20*l.*; and every master of a vessel who shall refuse or wilfully neglect to make the declaration of having delivered his ship's letters to the post office as required by an act of the present session, intituled "An Act for the regulation of the duties of postage" (a), shall forfeit 50*l.*; and every collector, comptroller or officer of the Customs, who by the said act is required to prohibit any vessel reporting until the requisites of such act shall have been complied with, who shall permit such vessel to report before the requisites of such act shall have been complied with, shall forfeit 50*l.*; and every master of a vessel not having been able to send his letters ashore previous to his arrival at the port where his vessel is to report who shall break bulk or make entry before all letters on board shall be sent to the post office, shall forfeit 20*l.*; and every master of a vessel or any other person on board any ship liable to the performance of quarantine who shall neglect or refuse to deliver to the person or persons appointed to superintend the quarantine all letters in his possession, shall forfeit 20*l.*

Penalty on masters not taking letter bags.

47. [Interpretation clause.—This clause *inter alia* provides that the term "East Indies" shall "mean every port and place within the territorial acquisitions at the date of the act vested in the East India Company in trust for her Majesty, and every other port or place within the limits of the charter of the said company (China excepted), and shall also include the Cape of Good Hope."]

(a) 7 Will. 4 & 1 Vict. c. 34, now repealed, and other provisions enacted by 3 & 4 Vict. c. 96.

3 & 4 VICT. c. 96.

An Act for the Regulation of the Duties of Postage.

[10th August, 1840.]

Ship letters.

7. And be it enacted that the postmaster-general may collect and receive letters to forward by vessels not packet boats to places beyond the seas, and may forward the same accordingly, and may collect and receive letters brought by any such vessels from places beyond the seas.

Gratuities to masters of vessels.

36. And for encouraging masters of vessels, not being post office packets, to undertake the conveyance of letters, be it enacted that the postmaster-general may allow to masters of vessels on letters and newspapers conveyed by them for or on behalf of the post office between places within the United Kingdom a sum not exceeding 2s. 6d. for each and every number of one hundred of such letters and newspapers, and for any less number in the like proportion; and may allow to the masters of vessels bound from the United Kingdom to the East Indies a sum not exceeding one penny for each letter and one halfpenny for each newspaper conveyed by them for or on behalf of the post office; and may allow to the masters of all other vessels a sum not exceeding two pence for each letter conveyed by them for or on behalf of the post office from the United Kingdom to places beyond sea; and may allow to the masters of all vessels not exceeding two pence for each letter brought into the United Kingdom which they shall deliver at the post office at the first port at which they touch or arrive, or with which they communicate: all which gratuities may be paid at such times and places and under all such regulations and restrictions as the postmaster-general shall in his discretion think fit; and every master of a vessel outward bound shall receive on board his vessel every post letter-bag tendered to him for conveyance, and having received the same, shall deliver it on his arrival at the port or place of his destination without delay; and every master of a vessel inward bound shall cause all letters on board his vessel except those belonging to the owners of the vessel or of the goods on board, which do not exceed the prescribed weights, to be collected and enclosed in some bag or other envelope, and to be sealed with his seal, and to be addressed to any of her Majesty's deputy postmasters, that they may be in readiness to send on shore by his own boat or by the pilot boat, or by any other safe or convenient means, in order that the same may be delivered at the first regular post office which can be communicated with, and at the regular port or place where the vessel shall report shall sign a declaration in the presence of the person authorised by the postmaster-general at such port or place, who shall also sign the same, and the declaration shall be in the form or to the effect following; that is to say,

Masters of outward-bound vessels to receive letters and deliver them at the first port of arrival.

"I, A. B., commander of the [state the name of the ship or vessel], arriving from [state the place], do, as required by law, solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered to the post office every letter bag, package, or parcel of letters that were on board the [state the name of the ship] except such letters as are exempted by law."

And no collector, comptroller or principal officer of the Customs shall permit such vessel to report till such declaration shall be made and produced; and no vessel shall be permitted by any officer of the Customs to break bulk or to make entry into any port of the British dominions until all letters on board the same shall be delivered to the post office where posts are or hereafter may be established, and from whence such letters may be dispatched by post, except such letters, commissions and other matters and things as are exempted by the Post Office Acts from the exclusive privilege of the postmaster-general, and also except all such

letters as shall be brought by a vessel liable to the performance of quarantine, all which last-mentioned letters shall be delivered by the person having possession thereof to the persons appointed to superintend the quarantine, that all proper precautions may be by them taken before the delivery thereof; and when due care has been had therein the said letters shall be by them dispatched in the usual manner by the post; and the principal officer of custom at every port shall search every vessel for letters which may be on board contrary to the post office acts, and may seize all such letters and forward them to the nearest post office and the postmaster general may appoint any person to demand from the masters of vessels arriving at or off a port in the United Kingdom all letters on board the same not exempted by the Post Office Acts, and the master of any such vessel shall forthwith deliver all such letters on board to such person on his demanding the same.

52. [Allowance may be granted to masters of vessels for newspapers brought by them from places abroad and delivered at the post office.]

61. [The gratuities payable to masters of vessels on letters and newspapers may be altered.]

71. And be it enacted, That the following terms and expressions whenever used in this or any other post office act, shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject or inconsistent with the extent of the provisions in which they may be found; that is to say the term "inward-bound" shall be held to include vessels bound as well to any port in the United Kingdom as to any port in any of her Majesty's colonies; and the term "outward bound" shall be held to include vessels bound as well from any port in the United Kingdom as from any port in her Majesty's colonies; and that the term "United Kingdom" shall mean Great Britain and Ireland and the islands of Man, Jersey, Guernsey, Sark and Alderney and that the several other terms and expressions used in this act shall be construed according to the respective interpretations of the terms and expressions contained in the said act passed in the first year of the reign of her present Majesty, intituled "An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws" so far as those interpretations are not repugnant to the subject or inconsistent with the extent of such terms and expressions.

Interpretation
clause.

10 VICT. c. 27.

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks, and Piers.

[11th May, 1847.]

. Only such parts of this Act as more immediately relate to Merchant Shipping are set out.

WHEREAS it is expedient to comprise in one act sundry provisions usually contained in acts of parliament authorizing the construction or improving of harbours, docks, and piers, and that as well for avoiding the necessity of repeating such provisions in each of the several acts relating to such undertakings as for ensuring greater uniformity in the provisions themselves: Be it enacted, &c., That this act shall extend only to such harbours, docks, or piers as shall be authorized by any act of parliament

Extent of act.

hereafter to be passed which shall declare that this act shall be incorporated therewith; and all the clauses of this act, save so far as they shall be expressly varied or excepted by any such act, shall apply to the undertaking authorized thereby, so far as they are applicable to such undertaking, and shall, with the clauses of every other act incorporated therewith, form part of such act, and be construed therewith as forming one act.

And with respect to the construction of this act and any act incorporated therewith, be it enacted as follows:

Interpretations in this act.

"Special act: "

"prescribed: "

"the prescribed limits: "

"the lands: "

"the harbour, dock, or pier: "

"the harbour-master: "

"the undertakers: "

2. The expression "the special act" used in this act shall be construed to mean any act which shall be hereafter passed authorizing the construction or improving of an harbour, dock, or pier, and with which this act shall be incorporated; and the word "prescribed," used in this act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special act" had been used; and the expression "the prescribed limits," used with reference to the harbour, dock, or pier, shall mean the distance measured from the harbour, dock, or pier, or other local limits (if any) beyond the harbour, dock, or pier, within which the powers of the harbour-master, dock-master, or pier-master, for the regulation of the harbour, dock, or pier, shall by the special act be authorized to be exercised; and the expression "the lands" shall mean the lands which shall by the special act be authorized to be taken or used for the purposes thereof; the expression "the harbour, dock, or pier" shall mean the harbour, dock, or pier, and the works connected therewith, by the special act authorized to be constructed; the expression "the harbour-master" shall mean, with reference to any such harbour, the harbour-master, and with reference to any such dock the dock-master, and with reference to any such pier the pier-master, respectively appointed by virtue of this or the special act, and with respect to all acts authorized or required to be done by such harbour-master, dock-master, or pier-master, shall include the assistants of every such harbour-master, dock-master, or pier-master; and the expression "the undertakers" shall mean the persons by the special act authorized to construct the harbour, dock, or pier, or otherwise carry into effect the purposes of the special act with reference thereto.

Interpretations in this and the special act.

Number:

Gender:

"Person: "

"Vessel: "

"Master: "

"Superior courts: "

3. The following words and expressions, in both this and the special act and any act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number, and the words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word "person" shall include corporation, whether aggregate or sole:

The word "vessel" shall include ship, boat, lighter, and craft of every kind, and whether navigated by steam or otherwise:

The word "master," when used in relation to any vessel, shall be understood to mean the person having the command or charge of the vessel for the time being:

The expression "superior Courts," where the matter submitted to the cognizance of the superior Courts arises in England or Ireland, shall mean her Majesty's Superior Courts of Record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster, and the Court of Pleas of the County of Durham, and where such matter arises in Scotland, shall mean the Court of Session:

The word "county" shall include any riding or other division of a county having a separate commission of the peace, and in Scotland shall include stewartry, and any ward or other division of a county or stewartry having a separate sheriff, and shall also include county of a city and county of a town: "County:"

The word "justice" shall mean justice of the peace acting for the place where the matter requiring the cognizance of any such justice arises, and where such matter arises in respect of lands situate not wholly in any one jurisdiction, shall mean a justice acting for the place where any part of such lands shall be situate; and where any matter shall be authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two or more justices met and acting together: "Justice:"

The word "sheriff" shall mean the sheriff depute of the county or ward of a county in Scotland, and the steward depute of the stewartry in Scotland, in which the matter submitted to the cognizance of the sheriff arises, and shall include the substitute of such sheriff depute and steward depute respectively: "Sheriff:"

The expression "quarter sessions" shall mean quarter sessions as defined in the special act; and if such expression be not there defined, it shall mean the general or quarter sessions of the peace which shall be held at the place nearest to the situation of the harbour, dock or pier for the county or place in which the harbour, dock or pier, or the principal office thereof, is situate, or for some division of such county having a separate commission of the peace: "Quarter sessions:"

The expression "the lords of the admiralty" shall mean the lord high admiral of the United Kingdom of Great Britain and Ireland, or the commissioners for executing the office of lord high admiral. "Lords of the Admiralty."

And with respect to citing this act, or any part thereof, be it enacted as follows: *Citing the act.*

4. In citing this act in other acts of parliament, and in legal instruments, it shall be sufficient to use the expression "The Harbours, Docks and Piers Clauses Act, 1847." Short title of this act.

5. [Form in which portions of this act may be incorporated in other acts.]

6. [Construction of harbour, dock or pier to be subject to the provisions of this act and one of the Lands Clauses Consolidation Acts.]

And with respect to life-boats, be it enacted as follows:—

Life-boats.

16. Unless it be provided by the special act that the undertakers need not provide life-boats, the undertakers, before they shall be entitled to take any rates in respect of the harbour, dock, or pier, shall provide and always thereafter maintain in good repair an efficient and well-appointed life-boat, a Manby's mortar, and a sufficient supply of Carte's rockets, or such other mortar and rockets as the lords of the admiralty, by writing under the hand of the secretary of the admiralty, shall approve of, with all necessary tackle, and a competent crew and proper persons for the effectual working thereof for the assistance and succour of vessels in distress; and the undertakers shall cause such life-boat, mortar, and rockets to be stationed at or upon the most advanced works of the harbour, dock, or pier, or such other place as the lords of the admiralty shall approve of as aforesaid, and to be used on all necessary occasions (a). *Life-boats, &c. to be provided by undertakers.*

(a) By the Harbours Transfer Act, 1861 (25 & 26 Vict. c. 69), this section is to be read and construed as if the Board of Trade were named therein instead of the Admiralty.

Penalty for
not providing
life-boat, &c.

17. The undertakers shall be liable to a penalty not exceeding two pounds for every twenty-four hours during which the said life-boat, mortar, and rockets, or any of them, or the tackle belonging thereto, shall not be provided or maintained and stationed as aforesaid.

Tide gauge, &c.

And with respect to keeping a tide and weather gauge, be it enacted as follows :—

A self-regis-
tering tide
gauge and
barometer to
be provided by
undertakers.

18. Unless it be provided by the special act that the undertakers need not provide a tide or weather gauge, the undertakers, before they shall be entitled to take any rates in respect of the harbour, dock, or pier, shall provide, and always thereafter maintain in good repair and working order, in a proper part of the harbour, dock, or pier, and in such manner as the lords of the admiralty shall by writing under the hand of the secretary of the admiralty approve of, an efficient self-registering tide gauge, with a barometer, and they shall cause the daily working and results of the said tide gauge and barometer, and a daily account of the state of the wind and weather, to be regularly and properly kept, and shall cause the full and true results and details thereof to be sent monthly to the secretary of the admiralty (a).

Penalty for
not providing
tide gauge, &c.

19. The undertakers shall be liable to a penalty not exceeding two pounds for every twenty-four hours during which the said self-registering tide gauge and barometer shall not be provided or maintained, or such account of the wind and weather shall not be kept as aforesaid; and they shall be liable to a penalty not exceeding ten pounds for each month they shall neglect or refuse to send as aforesaid to the secretary of the admiralty a full and true account of the daily workings of the said tide gauge and barometer, and of the daily state of the wind and weather (a).

* * * * *

*Harbour, dock,
and pier
master.*

And with respect to the appointment of harbour-masters, dock-masters, and pier-masters, and their duties, be it enacted as follows :

Appointment
of harbour,
dock, or pier
master.

51. The undertakers may appoint such harbour-masters as they think necessary (including in such expression dock-masters and pier-masters, as hereinbefore defined), and from time to time, as often as they think fit, may remove any such harbour-master.

Powers of
harbour, dock,
or pier master.

52. The harbour-master may give directions for all or any of the following purposes; (that is to say,)

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein :

For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier :

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels and to the harbour, dock, or pier, and the moorings thereof :

For removing unserviceable vessels, and other obstructions from the harbour, dock, or pier, and keeping the same clear :

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same :

Provided always, that nothing in this or the special act contained shall

(a) See note (a), ante, p. 143.

authorize the harbour-master to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the customs, or any regulation of the commissioners of her Majesty's customs.

53. The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the harbour-master, made in conformity with this and the special act; and any master of a vessel, who, after notice of any such direction by the harbour-master served upon him, shall not forthwith regulate such vessel according to such direction, shall be liable to a penalty not exceeding twenty pounds.

Penalty on shipmasters not complying with directions of the harbour-master.

54. If any harbour-master, or any of his assistants, without reasonable cause, or in an unreasonable or unfair manner, exercise any of the powers or authorities vested in the harbour-master by this or the special act, the person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on harbour-master for misbehaviour.

55. If any person give or offer any sum of money, or any thing whatsoever, by way of reward or bribe to any harbour-master or any officer employed in or about the harbour, dock, or pier, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing such harbour-master or other officer to do or omit to do anything relating to his office, or if such harbour-master or other officer receive any such reward or bribe as aforesaid, every person so offending shall be liable for every such offence to a penalty of twenty pounds.

Penalty on offering bribes to dock officers, and on officers taking bribes.

56. The harbour-master may remove any wreck or other obstruction to the harbour, dock, or pier, or the approaches to the same, and also any floating timber which impedes the navigation thereof, and the expense of removing any such wreck, obstruction, or floating timber shall be repaid by the owner of the same, and the harbour-master may detain such wreck or floating timber for securing the expenses, and on non-payment of such expenses, on demand, may sell such wreck or floating timber, and out of the proceeds of such sale pay such expenses, rendering the overplus, if any, to the owner on demand.

Harbour-master may remove wrecks, &c.

57. No vessel which shall be laid by or neglected as unfit for sea service shall be permitted to lie within the limits of the harbour, dock, or pier, but the harbour-master may cause every such vessel to be, at the expense of the owner thereof, removed from the harbour, dock, or pier, and laid on any part of the strand or sea shore, or other place where the same may, without injury to any person, be placed; and the charges of removing or placing such vessel may be recovered from the owner of such vessel by summary complaint, in England or Ireland, before any justice of the peace, and in Scotland before the sheriff; and in case of refusal or neglect of payment of such charges for the space of seven days after having been awarded by such justice or sheriff, the harbour-master may levy such charges by distress and sale or poinding and sale of such vessel, or of the tackle, apparel, or furniture thereof, or any part thereof, and the justice or sheriff shall issue his warrant accordingly.

Unserviceable vessels to be altogether removed from harbour.

58. If the master of any vessel in or at the harbour, dock, or pier, or within the prescribed limits, if any, shall not moor, unmoor, place, or remove the same according to the directions of the harbour-master, or if there be no person on board of any such vessel to attend to such directions, the harbour-master may cause such vessel to be moored, unmoored, placed, or removed, as he shall think fit, within or at the harbour, dock, or pier, or within the prescribed limits, and for that purpose the harbour-master

Harbour-master may remove vessels within docks, &c.

may cast off, unloose, or cut the rope, or unshackle or break the chain by which any such vessel is moored or fastened; and all expenses attending the mooring, unmooring, placing, or removing of such vessel shall be paid to the undertakers by the master of such vessel: Provided always, that before the harbour-master shall unloose or cut any rope or unshackle or break any chain by which any vessel, without any person on board to protect the same, shall be moored or fastened, he shall cause a sufficient number of persons to be put on board of such vessel for the protection of the same.

Vessels entering harbour or dock to be dismantled as harbour-master shall direct.

59. Before any vessel shall enter the harbour or dock or approach the pier the master thereof shall cause her to be dismantled as directed by the harbour-master; and if any vessel shall enter the harbour or dock or approach the pier without being dismantled in the manner required by the harbour-master, after notice shall have been given to the master of such vessel so to dismantle the same, such master shall for every such offence be liable to a penalty not exceeding ten pounds.

Vessels to have their sails lowered when entering and navigating dock.

60. Before any vessel shall enter into the dock the master of such vessel shall cause her sails to be lowered or furled; and if the master of any vessel shall navigate the same under sail into or in the dock he shall for every such offence be liable to a penalty not exceeding ten pounds.

Vessels to have hawsers, &c. fixed to moorings.

61. Every vessel in the harbour or dock or at or near the pier shall have substantial hawsers, tow-lines, and fasts fixed to the dolphins, booms, buoys, or mooring posts, when required by the harbour-master; and if any vessel shall be in the harbour or dock or at or near the pier without substantial hawsers, tow-lines, or fasts fixed as aforesaid, after notice from the harbour-master to the master of such vessel to furnish or fix the same, such master shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty for wilfully cutting moorings.

62. Every person other than the harbour-master who shall wilfully cut, break, or destroy the mooring or fastening of any vessel lying in the harbour or dock or at or near the pier shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on vessels lying near the entrance of harbour or dock without permission.

63. As soon as the harbour or dock shall be so far completed as to admit vessels to enter therein, no vessel, except with the permission of the harbour-master, shall lie or be moored in the entrance of the harbour or dock, or within the prescribed limits, and if the master of any vessel either place it or suffer it to remain in the entrance of the harbour or dock, or within the prescribed limits, without such permission, and do not, on being required so to do by the harbour-master, forthwith proceed to remove such vessel, he shall be liable to a penalty not exceeding five pounds, and a further sum of twenty shillings for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition.

Vessels may be removed for the purpose of repairing harbour or dock.

64. Whenever the undertakers shall deem it necessary, for the purpose of repairing, scouring, or cleansing the harbour, dock, or pier, that any vessel lying therein or thereat shall be removed therefrom, the master of such vessel shall, within three days after notice in writing signed by the harbour-master has been given to him, remove such vessel according to such notice; and in case of his neglecting so to do, such master shall be liable to a penalty not exceeding ten pounds.

Harbour-master may remove such vessel if the

65. If the master of such vessel cannot be found, or if he neglect or refuse to remove the same, as required by the said notice, the harbour-master may remove such vessel to such station as he shall select, and the

expenses of such removal shall be paid to the undertakers by the owner of the said vessel or the master thereof: Provided always, that previous to the repair of harbour, dock, or pier which shall require the removal of the vessels therefrom, the harbour-master shall give three days' notice of such repair and of the necessity for such removal to the collector and comptroller of the customs of the district within which the harbour, dock, or pier is situate, or which shall be specified for that purpose in the special act, and cause a like notice to be affixed on some conspicuous part of such custom house and of the office of the undertakers.

master thereof
neglect or re-
fuse so to do.

And with respect to the protection of the harbour, dock, and pier, and the vessels therein, from fire or other injury, be it enacted as follows:—

*Protection of
the harbour,
dock, and pier.*

69. Every person being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, or other combustible thing which shall be upon any quay, dock, or wharf belonging to the undertakers, or on the deck of any vessel within the harbour or dock or at or near the pier, shall cause the same to be removed to a place of safety within two hours after being required so to do by notice in writing, signed by the harbour-master, and if he fail so to do shall forfeit a sum not exceeding forty shillings for every hour such combustible thing shall remain in any such place as aforesaid after the expiration of two hours from the service of the said notice.

Combustible
matter on
quays, &c.
to be removed.

70. If any such combustible thing as aforesaid shall remain on any part of the quays or works connected with the harbour, dock, or pier, or on the deck of any vessel within the harbour or dock or at or near the pier, after sunset, the owner or person having the charge of the same, or on his default the harbour-master, at the expense of such owner, shall provide a sufficient number of persons to guard the same from half an hour before sunset to half an hour after sunrise; and such expense, if not paid by the said owner to the undertakers, on demand, shall be ascertained and recovered in the same manner as damages for the recovery of which no special provision is made are by this act directed to be ascertained and recovered.

Combustibles
to be guarded
during the
night.

71. Every person who shall commit any of the acts following shall be deemed guilty of an offence, and shall for every such offence be liable to a penalty not exceeding ten pounds; (that is to say,)

Penalties
against
offences herein
named.

1. Every person who shall boil or heat any pitch, tar, resin, turpentine, oil, or other combustible matter in any vessel lying within the harbour or dock or near the pier, or in any place within the limits of the harbour, dock, or pier except in such place and in such manner as shall be specially appointed by the undertakers for that purpose:

Boiling or
heating pitch,
&c.

2. Every person who shall have or cause to be had any fire or lighted candle or lamp in any vessel within the harbour or dock, or at or near the pier, except with the permission of the harbour-master:

Fires in vessels.

3. Every person who shall have or cause to be had any fire, candle, or lamp lighted within any of the docks or the works belonging to the same, except at such times and in such manner as shall be permitted by the bye-laws of the undertakers:

Fires within
docks.

4. Every person who shall bring any loaded gun on the quays or works of the harbour or dock or on the pier, or shall have or suffer to remain any loaded gun in any vessel in the harbour or dock or at or near the pier.

Loaded guns.

5. Every person who shall without the permission of the undertakers, bring or suffer to remain any gunpowder on the quays or works of the harbour or within the dock, or on the pier or in any vessel within the harbour or dock or at or near the pier.

Gunpowder.

Power to enter ship and search for and extinguish fires or lights.

72. The harbour-master may enter into any vessel within the harbour or dock or at or near the pier, to search for any fire or light in or suspected to be in such vessel, contrary to the provisions of this or the special act, or of any bye-law made in pursuance thereof, and may extinguish the same; and any person who shall obstruct the harbour-master in the execution of such duty shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty for throwing ballast, &c. into harbour or dock.

73. Every person who shall throw or put any ballast, earth, ashes, stones, or other thing into the harbour or dock shall for every such offence be liable to a penalty not exceeding five pounds: Provided always, that nothing in this act contained shall prejudice or prevent any person from adopting any measures which but for the passing of this act he would be lawfully entitled to adopt for recovering any land which shall at any time have been lost to him, or severed from land belonging to him, by reason of the overflowing or washing of any navigable river, or for protecting his land from future loss or damage by the overflowing or washing of such navigable river.

Owner of vessel answerable for damage to works.

74. The owner of every vessel or float of timber shall be answerable to the undertakers for any damage done by such vessel or float of timber, or by any person employed about the same, to the harbour, dock, or pier, or the quays or works connected therewith, and the master or person having the charge of such vessel or float of timber through whose wilful act or negligence any such damage is done shall also be liable to make good the same; and the undertaker may detain any such vessel or float of timber until sufficient security has been given for the amount of damage done by the same: Provided always, that nothing herein contained shall extend to impose any liability for any such damage upon the owner of any vessel where such vessel shall at the time when such damage is caused be in charge of a duly licensed pilot, whom such owner or master is bound by law to employ and put his vessel in charge of.

As to the recovery of amount of damage to quays, &c.

75. If the amount claimed in respect of any such damage as aforesaid do not exceed fifty pounds, such damage shall be ascertained, and the amount thereof shall, in England or Ireland, be recovered before two justices, and in Scotland before the sheriff; and in addition to the remedies hereby provided for the recovery of the same, the justices or sheriff before whom the same are recovered may cause the vessel or float of timber causing such damage, and any tackle and furniture thereof, to be distrained and kept until the amount of damages and costs awarded by them is paid, and if the same be not paid within seven days after such distress or keeping may cause the property so distrained or kept, or any part thereof, to be sold, and out of the proceeds of such sale may pay the amount of damages and costs awarded by such justices or sheriff, and all the charges incurred by the distress, keeping, and sale of such property.

Owner may recover damage from his servants.

76. If the owner of any vessel or float of timber make satisfaction for any such damage as aforesaid, wilfully or negligently done by the master or person having charge of such vessel or float of timber, or if the owner of any vessel or goods in any other case have been compelled to pay any penalty or costs by reason of any act or omission of any other person, the person who actually did such damage or who committed such offence shall repay to the owner of such vessel or such goods the amount of the damage or penalty and costs, together with the cost of the proceedings to enforce such repayment; and if such damage or penalty respectively do not exceed fifty pounds the sum may, in England or Ireland, be recovered before two or more justices, and in Scotland before the sheriff.

And with respect to buoys, lighthouses, and beacons, be it enacted as follows:—

*Lighthouses,
beacons, and
buoys.*

77. The undertakers shall lay down buoys for the guidance of vessels in such situations within the limits of the harbour, dock, or pier, and of such character, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, the Corporation for preserving and improving the port of Dublin, or the Commissioners of the Northern Lights respectively, according as the harbour, dock, or pier is situated in England, Ireland, or Scotland.

Power to erect lighthouses and lay down buoys, with consent of Trinity House.

78. The undertakers shall not erect any lighthouse or beacon, or exhibit or allow to be exhibited any light, beacon, or sea-mark without the sanction in writing of the said Corporation of Trinity House, of the said Corporation for preserving and improving the port of Dublin, or of the said Commissioners of Northern Lights respectively, according as the harbour, dock, or pier is situated in England, Ireland, or Scotland, first having been obtained in that behalf; and if any such light, beacon, or sea-mark be exhibited with such sanction as aforesaid, the same shall not be afterwards altered without the like sanction; and every such light, beacon, and sea-mark shall be of such power and description, and shall be from time to time discontinued or altered, as the said Corporation or Commissioners respectively shall from time to time direct.

Lights, beacons, or sea-marks not to be exhibited or altered without sanction of Trinity House.

And with respect to the bye-laws to be made by the undertakers, be it enacted as follows:

Bye-laws.

83. The undertakers may from time to time make such bye-laws as they shall think fit for all or any of the following purposes; (that is to say,)

Bye-laws may be made for all or any of the purposes herein named.

For regulating the use of the harbour, dock, or pier:

For regulating the exercise of the several powers vested in the harbour-master:

For regulating the admission of vessels into or near the harbour, dock, or pier, and their removal out of and from the same, and for the good order and government of such vessels whilst within the harbour or dock, or at or near the pier:

For regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of all goods within the limits of the harbour, dock, or pier, and the premises of the undertakers:

For regulating (with the consent of the Commissioners of her Majesty's Customs) the hours during which the gates or entrances or outlets to the harbour, dock, or pier shall be open:

For regulating the duties and conduct of all persons, as well the servants of the undertakers as others, not being officers of customs or excise, who shall be employed in the harbour, dock, or pier, and the premises of the undertakers:

For regulating the use of fires and lights within the harbour, dock, or pier, and the premises belonging thereto, and within any vessel being within the harbour or dock, or at or near the pier, or within the prescribed limits (if any):

For preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on the premises of the undertakers:

For regulating the use of the cranes, weighing machines, weights, and measures belonging to the undertakers, and the duties and conduct of all weighers and meters employed by them:

For regulating the duties and conduct of the porters and carriers employed on the premises of the undertakers, and fixing the rates to be paid to them for carrying any goods, articles, or things from or to the same:

Bye-laws may be repealed or altered from time to time.

And the undertakers may from time to time, as they shall think fit, repeal or alter any such bye-laws: Provided always, that such bye-laws shall not be repugnant to the laws of that part of the United Kingdom where the same are to have effect, or the provisions of this or the special act; and such bye-laws shall be reduced into writing, and have affixed thereto the common seal of the undertakers if they be a body corporate, or the signatures of the undertakers or two of them if they be not a body corporate, and if affecting other persons than the officers or servants of the undertakers shall be confirmed and published as herein provided.

[Sections 84 to 88, containing further provisions as to the publication, &c. of the bye-laws to be made under the act, it is not considered advisable to set out.]

Bye-laws to be binding on all parties.

89. All bye-laws made and confirmed according to the provisions of this and the special act, when so published and put up, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same.

90. [*Proof of publication of bye-laws.*]

91. [*After tender of amends no person to recover in action of trespass in respect of any trespass or irregularity in the execution of this or the special act.*]

Recovery of damages and penalties.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices or the sheriff, be it enacted as follows:

92. [*The Railways Clauses Consolidation Acts, 1845, as to damages, penalties and proceedings before justices, to be incorporated with this and the special act.*]

* * * * *

Saving of rights.

And with respect to the saving of rights, be it enacted as follows:—

99. [*Nothing in this or the special act to affect the rights of the crown or the lords of the admiralty.*]

* * * * *

101. [*Nor the rights of the City of London.*]

102. [*Nor the rights of Trinity House of Deptford Strond, the Corporation for improving the port of Dublin, the Commissioners of Northern Lights, nor any lord of the manor within the limits of the harbour or dock.*]

Act not to exempt the undertakers from the provisions of any general act.

103. And be it enacted, That nothing herein or in the special act contained shall be deemed to exempt the undertakers from the provisions, regulations, and conditions which may be contained in any general act relating to harbours, docks, or piers, or to ports, harbours, or tidal waters, which may be passed in the same session in which the special act is passed, or any future session of parliament.



16 & 17 VICT. c. 84.

An Act to amend the Passengers Act, 1852, so far as it relates to the Passages of Natives of Asia and Africa, and also Passages between the Island of Ceylon and certain Parts of the East Indies.
[20th August, 1853.]

16 & 17 VICT. c. 131.

An Act to amend various Laws relating to Merchant Shipping.
[20th August, 1853.]
[This Act provided for the creation of the Mercantile Marine Fund.]

18 & 19 VICT. c. 104.

An Act for the Regulation of Chinese Passenger Ships.
[14th August, 1855.]

22 & 23 VICT. c. 40.

An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same.
[13th August, 1859.]

24 & 25 VICT. c. 52.

An Act to empower the Governors of the Australasian Colonies to regulate the Number of Passengers to be carried in Vessels plying between Ports in those Colonies.
[1st August, 1861.]

24 & 25 VICT. c. CCXXXVI.

An Act for establishing a separate System of Pilotage for the several Ports of Cardiff, Newport, and Gloucester, in the Bristol Channel.
[6th August, 1861.]

26 & 27 VICT. c. 69.

An Act to establish Officers of the Royal Naval Reserve.
[21st July, 1863.]

27 & 28 VICT. c. 58.

An Act for confirming a Provisional Order concerning Pilotage made by the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, relating to Hartlepool.
[25th July, 1864.]

27 & 28 VICT. c. 113.

An Act to amend the Laws relating to the Conservancy of the River Thames, and for other purposes relating thereto.

[29th July, 1864.]

[This act provides, *inter alia*, for the transfer of the lighthouses in the Thames to the Trinity House of Deptford Strond.]

28 VICT. c. 44.

An Act for confirming a Provisional Order made by the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tyne. [19th June, 1865.]

28 & 29 VICT. c. 59.

An Act for confirming with Amendments a Provisional Order made by the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the Port of Sunderland. [29th June, 1865.]

30 & 31 VICT. c. 78.

An Act to amend the Tyne Pilotage Order Confirmation Act, 1865. [12th August, 1867.]

33 & 34 VICT. c. 90.

An Act to regulate the conduct of Her Majesty's Subjects during the existence of hostilities between foreign states with which Her Majesty is at peace. [9th August, 1870.]

WHEREAS it is expedient to make provision for the regulation of the conduct of Her Majesty's subjects during the existence of hostilities between foreign states with which Her Majesty is at peace :

Be it enacted, &c.

Preliminary.

Short title of
act.
Application of
act.
Commence-
ment of act.

1. This act may be cited for all purposes as "The Foreign Enlistment Act, 1870."

2. This act shall extend to all the dominions of Her Majesty, including the adjacent territorial waters.

3. This act shall come into operation in the United Kingdom immediately on the passing thereof, and shall be proclaimed in every British possession by the governor thereof, as soon as may be after he receives notice of this act, and shall come into operation in that British possession on the day of such proclamation, and the time at which this act comes into operation in any place is, as respects such place, in this act referred to as the commencement of this act.

Illegal Enlistment.

4. If any person, without the license of Her Majesty, being a British subject, within or without Her Majesty's dominions, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any foreign state at peace with Her Majesty, and in this act referred to as a friendly state, or whether a British subject or not within Her Majesty's dominions, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid,—

Penalty on enlistment in service of foreign state.

He shall be guilty of an offence against this act, and shall be punishable by fine and imprisonment, or either of such punishments at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

5. If any person, without the license of Her Majesty, being a British subject, quits or goes on board any ship with a view of quitting Her Majesty's dominions, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a British subject or not, within Her Majesty's dominions induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's dominions with the like intent,—

Penalty on leaving Her Majesty's dominions with intent to serve a foreign state.

He shall be guilty of an offence against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

6. If any person induces any other person to quit Her Majesty's dominions or to embark on any ship within Her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state,—

Penalty on embarking persons under false representations as to service.

He shall be guilty of an offence against this act, and shall be punishable by fine and imprisonment or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

7. If the master or owner of any ship, without the license of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within Her Majesty's dominions any of the following persons, in this act referred to as illegally enlisted persons; that is to say,

Penalty on taking illegally enlisted persons on board ship.

- (1.) Any person who, being a British subject within or without the dominions of Her Majesty, has, without the license of Her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state:
- (2.) Any person, being a British subject, who, without the license of Her Majesty, is about to quit Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state:
- (3.) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such

person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state :

Such master or owner shall be guilty of an offence against this act, and the following consequences shall ensue ; that is to say,

- (1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour : and
- (2.) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace, or other magistrate or magistrates having the authority of two justices of the peace : and
- (3.) All illegally enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions.

Penalty on
illegal ship-
building and
illegal ex-
peditions.

8. If any person within Her Majesty's dominions, without the license of Her Majesty, does any of the following acts ; that is to say,—

- (1.) Builds or agrees to build, or causes to be built any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or
- (2.) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or
- (3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state : or
- (4.) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state :

Such person shall be deemed to have committed an offence against this act, and the following consequences shall ensue :

- (1.) The offender shall be punishable by fine and imprisonment or either of such punishments, at the discretion of the court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.
- (2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty :

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following ; (that is to say,)

- (1.) If forthwith upon a proclamation of neutrality being issued by Her Majesty he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the Secretary of State :
- (2.) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe

for ensuring that such ship shall not be despatched, delivered, or removed without the license of Her Majesty until the termination of such war as aforesaid.

9. Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state, or is delivered to or to the order of such foreign state, or any person who to the knowledge of the person building is an agent of such foreign state, or is paid for by such foreign state or such agent, and is employed in the military or naval service of such foreign state, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state.

Presumption as to evidence in case of illegal ship.

10. If any person within the dominions of Her Majesty, and without the license of Her Majesty,—

By adding to the number of the guns, or by changing those on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions of Her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state,—

Penalty on aiding the warlike equipment of foreign ships.

Such person shall be guilty of an offence against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

11. If any person within the limits of Her Majesty's dominions, and without the license of Her Majesty,—

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, the following consequences shall ensue :

Penalty on fitting out naval or military expeditions without license.

(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

(2.) All ships, and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to Her Majesty.

12. Any person who aids, abets, counsels, or procures the commission of any offence against this act shall be liable to be tried and punished as a principal offender.

Punishment of accessories.

13. The term of imprisonment to be awarded in respect of any offence against this act shall not exceed two years.

Limitation of term of imprisonment.

Illegal Prize.

14. If during the continuance of any war in which Her Majesty may be neutral, any ship, goods, or merchandize captured as prize of war within the territorial jurisdiction of Her Majesty, in violation of the neutrality of this realm, or captured by any ship which may have been built, equipped, commissioned, or despatched, or the force of which may

Illegal prize brought into British ports restored.

have been augmented, contrary to the provisions of this act, are brought within the limits of Her Majesty's dominions by the captor, or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorized in that behalf by the government of the foreign state to which such owner belongs, to make application to the Court of Admiralty for seizure and detention of such prize, and the Court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal as in case of any order made in the exercise of the ordinary jurisdiction of such Court; and in the meantime and until a final order has been made on such application the Court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such Court in the exercise of its ordinary jurisdiction.

General Provision.

License by Her Majesty, how granted.

15. For the purposes of this act, a license by Her Majesty shall be under the sign manual of Her Majesty, or be signified by Order in Council or by proclamation of Her Majesty.

Legal Procedure.

Jurisdiction in respect of offences by persons against act.

16. Any offence against this act shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence, be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any place within Her Majesty's dominions in which the person who committed such offence may be.

Venue in respect of offences by persons.
24 & 25 Vict.
c. 97.

17. Any offence against this act may be described in any indictment or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

Power to remove offenders for trial.

18. The following authorities, that is to say, in the United Kingdom any judge of a superior Court, in any other place within the jurisdiction of any British Court of justice, such Court, or, if there are more Courts than one, the Court having the highest criminal jurisdiction in that place, may, by warrant or instrument in the nature of a warrant in this section included in the term "warrant," direct that any offender charged with an offence against this act shall be removed to some other place in Her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed, in the same manner as if his offence had been committed at such place.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons, and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant, and to deliver him, when arrived at such place or places, into the custody of any authority designated by such warrant.

Every prisoner shall, during the time of his removal under any such

warrant as aforesaid, be deemed to be in the legal custody of the person or persons empowered to remove him.

19. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this act shall require the sanction of the secretary of state or such chief executive authority as is in this act mentioned, and shall be had in the Court of Admiralty, and not in any other Court; and the Court of Admiralty shall, in addition to any power given to the Court by this act, have in respect of any ship or other matter brought before it in pursuance of this act all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Jurisdiction in respect of forfeiture of ships for offences against act.

20. Where any offence against this act has been committed by any person by reason whereof a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender in any Court having jurisdiction of the offence, and against the ship, or ship and equipment, or arms and munitions of war, for the forfeiture in the Court of Admiralty; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

Regulations as to proceedings against the offender and against the ship.

21. The following officers, that is to say,

- (1.) Any officer of customs in the United Kingdom, subject nevertheless to any special or general instructions from the Commissioners of Customs or any officer of the Board of Trade, subject nevertheless to any special or general instructions from the Board of Trade;
- (2.) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the governor of such possession;
- (3.) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer;
- (4.) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer,

Officers authorized to seize offending ships.

may seize or detain any ship liable to be seized or detained in pursuance of this act, and such officers are in this act referred to as the "local authority;" but nothing in this act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such Court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

22. Any officer authorized to seize or detain any ship in respect of any offence against this act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy or marines, or any excise officers or officers of customs, or any harbour-master or dock-master, or any officers having authority by law to make seizures of ships, and may put on board any ship so seized or detained any one or more of such officers to take charge of the same, and to enforce the provisions of this act, and any officer seizing or detaining any ship under this act may use force, if necessary, for the purpose of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed or hurt.

Powers of officers authorized to seize ships.

Special power
of Secretary of
State or chief
executive
authority to
detain ship.

23. If the Secretary of State or the chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built, commissioned or equipped contrary to this act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this act, such Secretary of State or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

The owner of the ship so detained, or his agent, may apply to the Court of Admiralty for its release, and the Court shall as soon as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the Court that the ship was not and is not being built, commissioned or equipped or intended to be despatched contrary to this act, the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the Court that the ship was not and is not being built, commissioned or equipped, or intended to be despatched contrary to this act, then the ship shall be detained till released by order of the Secretary of State or chief executive authority.

The Court may in cases where no proceedings are pending for its condemnation release any ship detained under this section on the owner giving security to the satisfaction of the Court that the ship shall not be employed contrary to this act, notwithstanding that the applicant may have failed to establish to the satisfaction of the Court that the ship was not and is not being built, commissioned or intended to be despatched contrary to this act. The Secretary of State or the chief executive authority may likewise release any ship detained under this section on the owner giving security to the satisfaction of such Secretary of State or chief executive authority that the ship shall not be employed contrary to this act, or may release the ship without such security if the Secretary of State or chief executive authority think fit so to release the same.

If the Court be of opinion that there was not reasonable and probable cause for the detention, and if no such cause appear in the course of the proceedings, the Court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention, the amount thereof to be assessed by the Court, and any amount so assessed shall be payable by the Commissioners of the treasury out of any moneys legally applicable for that purpose. The Court of Admiralty shall also have power to make a like order for the indemnity of the owner, on the application of such owner to the Court, in a summary way, in cases where the ship is released by the order of the Secretary of State or the chief executive authority, before any application is made by the owner or his agent to the Court for such release.

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section where such ship is liable to forfeiture, subject to this provision, that if such ship is restored in pursuance of this section all proceedings for such condemnation shall be stayed; and where the Court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship.

Nothing in this section contained shall apply to any foreign non-commissioned ship despatched from any part of her Majesty's dominions after having come within them under stress of weather or in the course of a

peaceful voyage, and upon which ship no fitting out or equipping of a warlike character has taken place in this country.

24. Where it is represented to any local authority, as defined by this act, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship within her Majesty's dominions has been or is being built, commissioned or equipped contrary to this act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this act, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the Secretary of State or chief executive authority.

Special power of local authority to detain ship.

Upon the receipt of such communication the Secretary of State or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned or equipped or intended to be despatched in contravention of this act, he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the Secretary of State without any communication from the local authority.

Where the Secretary of State or chief executive authority orders the ship to be released on the receipt of a communication from the local authority without issuing his warrant, the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention upon application to the Court of Admiralty in a summary way in like manner as he is entitled to be indemnified where the Secretary of State having issued his warrant under this act releases the ship before any application is made by the owner or his agent to the Court for such release.

25. The Secretary of State or the chief executive authority may, by warrant, empower any person to enter any dockyard or other place within her Majesty's dominions and inquire as to the destination of any ship which may appear to him to be intended to be employed in the naval or military service of any foreign state at war with a friendly state, and to search such ship.

Power of Secretary of State or executive authority to grant search warrant.

26. Any powers or jurisdiction by this act given to the Secretary of State may be exercised by him throughout the dominions of Her Majesty, and such powers and jurisdiction may also be exercised by any of the following officers, in this act referred to as the chief executive authority, within their respective jurisdictions; that is to say,

Exercise of powers of Secretary of State or chief executive authority.

- (1.) In Ireland by the Lord Lieutenant or other the chief governor or governors of Ireland for the time being, or the chief secretary to the Lord Lieutenant:
- (2.) In Jersey by the Lieutenant Governor:
- (3.) In Guernsey, Alderney, and Sark, and the dependent islands by the Lieutenant Governor:
- (4.) In the Isle of Man by the Lieutenant Governor:
- (5.) In any British possession by the Governor:

A copy of any warrant issued by a Secretary of State or by any officer authorized in pursuance of this act to issue such warrant in Ireland, the Channel Islands, or the Isle of Man shall be laid before parliament.

27. An appeal may be had from any decision of a Court of Admiralty under this act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the Court as a Court of Admiralty.

Appeal from Court of Admiralty.

Indemnity to officers.

28. Subject to the provisions of this act providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court of Admiralty no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this act.

Indemnity to Secretary of State or chief executive authority.

29. The Secretary of State shall not, nor shall the chief executive authority, be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this act, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

Interpretation Clause.

Interpretation of terms.

30. In this act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say,

"Foreign state:"

"Foreign state" includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people:

"Military service:"

"Military service" shall include military telegraphy and any other employment whatever, in or in connexion with any military operation:

"Naval service:"

"Naval service" shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, store ship, privateer or ship under letters of marque; and as respects a ship, include any user of a ship as a transport, store ship, privateer or ship under letters of marque:

"United Kingdom:"

"United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands:

"British possession:"

"British possession" means any territory, colony, or place being part of her Majesty's dominions, and not part of the United Kingdom, as defined by this act:

"The Secretary of State:"

"The Secretary of State" shall mean any one of her Majesty's principal Secretaries of State:

"Governor:"

"The Governor" shall as respects India mean the Governor General or the Governor of any presidency, and where a British possession consists of several constituent colonies, mean the Governor General of the whole possession or the governor of any of the constituent colonies, and as respects any other British possession it shall mean the officer for the time being administering the government of such possession; also any person acting for or in the capacity of a governor shall be included under the term "Governor":

"Court of Admiralty:"

"Court of Admiralty" shall mean the High Court of Admiralty of England or Ireland, the Court of Session of Scotland, or any Vice-Admiralty Court within her Majesty's dominions:

"Ship:"

"Ship" shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel, or other craft or battery, made to move either on the surface of or under water, or sometimes on the surface of and sometimes under water:

"Building:"

"Building" in relation to a ship shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly:

"Equipping:"

"Equipping" in relation to a ship shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the

purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipping shall be construed accordingly:
 "Ship and equipment" shall include a ship and everything in or belonging to a ship: "Ship and equipment:"
 "Master" shall include any person having the charge or command of a ship. "Master."

Repeal of Acts, and Saving Clauses.

31. From and after the commencement of this act, an act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, chapter sixty-nine, intituled "An Act to prevent the enlisting or engagement of His Majesty's subjects to serve in foreign service, and the fitting out or equipping, in His Majesty's dominions, vessels for warlike purposes, without His Majesty's licence," shall be repealed: Provided that such repeal shall not affect any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this act comes into operation, nor the institution of any investigation or legal proceeding, or any other remedy for enforcing any such penalty, forfeiture, or punishment as aforesaid. Repeal of Foreign Enlistment Act, 59 Geo. 3, c. 69.

32. Nothing in this act contained shall subject to forfeiture any commissioned ship of any foreign state, or give to any British court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this act had not passed. Saving as to commissioned foreign ships.

33. Nothing in this act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince, state, or potentate in Asia, with such leave or licence as is for the time being required by law in the case of subjects of Her Majesty entering into the military service of princes, states, or potentates in Asia. Penalties not to extend to persons entering into military service in Asia, 59 Geo. 3, c. 69, s. 12.

34 & 35 VICT. c. 105.

An Act for the Safe Keeping of Petroleum and other Substances of a like nature. [21st August, 1871.]

[The whole of this Act, with the exception of a portion of section 3 and section 18, is to continue in force until otherwise directed by Parliament (42 & 43 Vict. c. 47, ss. 4, 6).]

38 VICT. c. 17.

An Act to amend the Law with respect to Manufacturing, Keeping, Selling, Carrying, or Importing Gunpowder, Nitro-glycerine, and other Explosive Substances. [14th June, 1875.]

38 & 39 VICT. c. 55.

An Act for consolidating and amending the Acts relating to Public Health in England.
[11th August, 1875.]

Be it enacted, &c.

PART I.

Preliminary.

- Short title.** 1. This act may be cited as The Public Health Act, 1875.
- Extent of act.** 2. This act shall not extend to Scotland or Ireland, nor (save as by this act is expressly provided) to the metropolis.
3. [*Division of act into parts.*]
- Definitions.** 4. In this act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say,
- "Borough" means any place for the time being subject to the act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and any act amending the same:
- "The metropolis" means the city of London and all parishes and places mentioned in schedules A, B, and C to the Metropolis Management Act, 1855:
- "Local government district" means any area subject to the jurisdiction of a local board constituted in pursuance of the local government acts before the passing of this act, or in pursuance of this act, and "local board" means any board so constituted:
- "Improvement act district" means any area for the time being subject to the jurisdiction of any improvement commissioners as herein-after defined:
- "Improvement commissioners" means any commissioners, trustees or other persons invested by any local act with powers of town government and rating:
- "Parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:
- "Person" includes any body of persons, whether corporate or unincorporate:
- "Local authority" means urban sanitary authority and rural sanitary authority.

PART II.

AUTHORITIES FOR EXECUTION OF ACT.

CONSTITUTION OF DISTRICTS AND AUTHORITIES.

- Urban and rural sanitary districts.** 5. For the purposes of this act England, except the metropolis, shall consist of districts to be called respectively—
- (1.) Urban sanitary districts, and
 - (2.) Rural sanitary districts,
- (in this act referred to as urban and rural districts); and such urban and rural districts shall respectively be subject to the jurisdiction of local authorities, called urban sanitary authorities and rural sanitary authorities (in this act referred to as urban and rural authorities), invested with the powers in this act mentioned.

6. [*Description of urban districts and urban authorities.*]

9. [*Description of rural districts and rural authorities.*]

[*Sections 91 to 109 relate to the duty of local authorities with respect to nuisances*].

110. For the purpose of the provisions of this act relating to nuisances, any ship or vessel lying in any river, harbour or other water within the district of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river, harbour or other water not within the district of a local authority shall be deemed to be within the district of such local authority as may be prescribed by the local government board, and where no local authority has been prescribed, then of the local authority whose district nearest adjoins the place where such ship or vessel is lying. Provision as to ships.

The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing her Majesty's commission, or to any ship or vessel belonging to any foreign government.

111. [*The provisions of the act relating to nuisances not to affect other remedies.*]

INFECTIOUS DISEASES AND HOSPITALS.

Provisions against Infection.

121. Any local authority may direct the destruction of any bedding, clothing or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same. Destruction of infected bedding, &c.

124. Where any suitable hospital or place for the reception of the sick is provided within the district of a local authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and . . . is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place at the cost of the local authority; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the local authority. Removal of infected persons without proper lodging to hospital by order of justice.

An order under this section may be addressed to such constable or officer of the local authority as the justice or local authority making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

125. Any local authority may make regulations (to be approved of by the Local Government Board) for removing to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous infectious disorder, and such regulations may impose on offenders against the same reasonable penalties not exceeding forty shillings for each offence. Removal to hospital of infected persons brought by ships.

Power of Local Government Board to make regulations.

130. The Local Government Board may from time to time make, alter and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic endemic or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the London Gazette, and such publication shall be for all purposes conclusive evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding fifty pounds (a).

Power of Local Government Board to make regulations for prevention of disease.

134. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic, endemic or infectious disease, the Local Government Board may make and from time to time alter and revoke regulations for all or any of the following purposes; (namely)—

- (1) For the speedy interment of the dead; and
- (2) For house to house visitation; and
- (3) For the provision of medical aid and accommodation; for the promotion of cleansing, ventilation and disinfection, and for guarding against the spread of disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any vessels, whether on inland waters or on arms or parts of the sea, within the jurisdiction of the lord high admiral of the United Kingdom or the commissioners for executing the office of the lord high admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such order.

Publication of regulations and orders.

135. All regulations and orders so made by the Local Government Board shall be published in the London Gazette, and such publication shall be conclusive evidence thereof for all purposes.

Local authority to see to the execution of regulations.

136. The local authority of any district within which or part of which regulations so issued by the Local Government Board are declared to be in force shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers and persons, and do and provide all such acts, matters and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, the local authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation.

Power of entry.

137. The local authority and their officers shall have power of entry on any premises or vessel for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

Poor law medical officer entitled to costs of attendance on board vessels.

138. Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, any poor law medical officer performs any medical service on board any vessel he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the union or place for which he is appointed; and such

(a) See Appendix, "Forms," No. 51, p. cccxviii.

charges shall be payable by the captain of such vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

Where such services are rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect to such charges, such dispute may, where the charges do not exceed twenty pounds, be determined by a court of summary jurisdiction; and such Court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

139. The Local Government Board may, if they think fit, by order authorize or require any two or more local authorities to act together for the purposes of the provisions of this act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof. Local government board may combine local authorities.

140. Any person who—

- (1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or
 - (2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,
- shall be liable to a penalty not exceeding five pounds. Penalty for violating or obstructing the execution of regulations.

PORT SANITARY AUTHORITY.

287. The Local Government Board may, by provisional order, permanently constitute any local authority whose district or part of whose district forms part of or abuts on any part of a port in England, or the waters of such port, or any conservators commissioners or other persons having authority in or over such port or any part thereof, (which local authority conservators commissioners or other persons are in this act referred to as a "riparian authority,") the sanitary authority of the whole of such port or of any part thereof (in this act referred to as the "port sanitary authority"). Constitution of port sanitary authority.

The Local Government Board may also by provisional order permanently constitute a port sanitary authority for the whole or any part of a port, by combining any two or more riparian authorities having jurisdiction within such port, or any part thereof, and may prescribe the mode of their joint action; or by forming a joint board consisting of representative members of any two or more riparian authorities, in the same manner as is by this act provided with respect to the formation of a united district. Moreover the Local Government Board may by provisional order permanently constitute a port sanitary authority for any two or more ports, by forming a joint board consisting of representative members of all or any of the riparian authorities having jurisdiction within such ports, or any part thereof.

In any case in which the Local Government Board are by this section authorized permanently to constitute by provisional order a port sanitary authority, the said Board may, if it thinks fit, until such order has been made and confirmed by parliament, temporarily constitute by order any such authority, and may from time to time renew any such last-mentioned order, and may by any order so made or renewed make any such provisions as it is by this section empowered to make by provisional order.

Any order constituting a port sanitary authority may assign to such

authority any powers, rights, duties, capacities, liabilities and obligations under this act, and direct the mode in which the expenses of such authority are to be paid; and where such order constitutes a joint board the port sanitary authority, it may contain regulations with respect to any matters for which regulations may be made by a provisional order forming a united district under this act.

A port shall mean a port as established for the purposes of the laws relating to the customs of the United Kingdom.

Jurisdiction of port sanitary authority.

288. The order of the Local Government Board constituting a port sanitary authority shall be deemed to give such authority jurisdiction over all waters within the limits of such port, and also over the whole or such portions of the district within the jurisdiction of any riparian authority as may be specified in the order.

Delegation of powers by port sanitary authority.

289. A port sanitary authority may, with the sanction of the Local Government Board, delegate to any riparian authority within or bordering on their district the exercise of any powers conferred on such port sanitary authority by the order of the Local Government Board, but, except in so far as such delegation may extend, no other authority shall exercise any powers conferred on a port sanitary authority by the order of the Local Government Board within the district of such port sanitary authority.

Provision as to port of London.

291. The mayor, aldermen and commons of the city of London shall be the port sanitary authority of the port of London, and shall pay out of their corporate funds all their expenses as such port sanitary authority.

308. [*Compensation in case of damage by local authority.*]

Construction of schedules.

317. The schedules to this act shall be read and have effect as part of this act.

Temporary Provisions.

As to certain orders under section 20 of 35 & 36 Vict. c. 79.

325. The power conferred by section twenty of "The Public Health Act, 1872," of temporarily constituting a port sanitary authority shall be deemed to have authorized a renewal from time to time of any order made under that section.

PART XI.

Saving Clauses and Repeal of Acts.

Powers of act to be cumulative.

341. All powers given by this act shall be deemed to be in addition to and not in derogation of any other powers conferred by act of parliament, law or custom, and such other powers may be exercised in the same manner as if this act had not passed; and nothing in this act shall exempt any person from any penalty to which he would have been subject if this act had not passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this act shall for the same offence be liable to a penalty under any other act.

Repeal of Acts.

Repeal of acts in schedule V.

343. The acts specified in the first and second parts of Schedule V. to this act are hereby repealed to the extent in the third column in the said

parts of that schedule mentioned, with the following qualification; (that is to say,)

That so much of the said acts as is set forth in the third part of that schedule shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this act.

Provided also, that this repeal shall not affect—

- (a) Anything duly done or suffered under any enactment hereby repealed; or
- (b) Any right or liability acquired, accrued or incurred under any enactment hereby repealed; or
- (c) Any security given under any enactment hereby repealed; or
- (d) Any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (e) Any investigation, legal proceeding or remedy in respect of any such right, liability, security, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding and remedy may be carried on as if this act had not been passed.

* * * * *

SCHEDULE V.

PART I.

* 18 & 19 Vict. c. 116 ..	* The Diseases Prevention Act, 1855	* The whole act, except so far as relates to the Metropolis.
* 29 & 30 Vict. c. 90 ..	* The Sanitary Act, 1866	* Parts I., II. and III., except so far as relates to the Metropolis or to Scotland or Ireland.
* 35 & 36 Vict. c. 79 ..	* The Public Health Act, 1872	* The whole act, except so far as relates to the Metropolis.
* 37 & 38 Vict. c. 89 ..	* The Sanitary Law Amend- ment Act, 1874	* The whole act, except so far as relates to the Metropolis or Metro- politan Police District.
* * ..	* * ..	* * ..

PART III.

* * * * *

29 & 30 Vict. c. 90, s. 51.

All penalties imposed by the act of the sixth year of King George the Fourth, chapter seventy-eight, intituled "An Act to repeal the several Laws relating to Quarantine, and to make other provisions in lieu thereof," may be reduced by the justices or court having jurisdiction in respect of such penalties to such sum as the justices or court think just.

Power to re-
duce penalties
imposed by
6 Geo. 4, c. 78.

29 & 30 Vict. c. 90, s. 52.

Every vessel having on board any person affected with a dangerous or infectious disorder shall be deemed to be within the provisions of the act of the sixth year of King George the Fourth, chapter seventy-eight, although such vessel has not commenced her voyage, or has come from or is bound for some place in the United Kingdom.

Description of
vessels within
provisions of
6 Geo. 4, c. 78.



39 & 40 VICT. c. 36.

An Act to Consolidate the Customs Laws. [24th July, 1876.]

WHEREAS it is expedient that the several acts now in force for the management and regulation of customs should be consolidated into one act:

Be it therefore enacted, &c., as follows:

Persons arriv-
ing in ships
from infected
places not to
land before
examination.

234. It shall be lawful for Her Majesty in council, or any two of the lords of her Majesty's Privy Council, from time to time, by her or their order, to require that no person on board any ship coming to any port in the United Kingdom, the Channel Islands, or the Isle of Man, from or having touched at any place out of the United Kingdom abroad where they have reason to apprehend that yellow fever or other highly infectious distemper prevails, shall quit such vessel before the state of health of the persons on board shall have been ascertained, on examination by the proper officer of customs, at such place or places as may from time to time be appointed by the commissioners of customs for such purposes, and before permission to land shall have been given by such officer, whether or not it shall on or after such examination be found expedient to order such vessel under the restraint of quarantine, and any person so quitting any such vessel shall forfeit a sum not exceeding one hundred pounds; and if the master, pilot, or person in charge of such ship shall not, on arrival at such place, hoist and continue such signal as shall be directed by such order, until the proper officer shall have given permission to haul down the same, he shall forfeit a like penalty; and such penalties or either of them if incurred, and any penalty incurred under the act of the sixth year of the reign of King George the Fourth, chapter seventy-eight, shall be subject to reduction to any sum not exceeding one hundred pounds, and may be recovered by information and summons before a stipendiary magistrate, or any two justices of the peace, who are hereby authorized to reduce the same accordingly, and to commit the offender to prison in default of payment of any penalty so imposed for any period not exceeding six months.

41 & 42 VICT. c. CCXVI.

An Act for Conferring on the Conservators of the River Thames further Powers and for Extending and Amending the Thames Acts, 1857 to 1870, and for other Purposes. [1st August, 1878.]

[This act provides, *inter alia*, for the transfer of the buoys in the Thames to the Trinity House of Deptford Strand.]

42 & 43 VICT. c. 47.

An Act to continue and amend the Petroleum Act, 1871.

[11th August, 1879.]

The following Orders in Council and Rules are supplemental to those printed in the Appendix.

ORDER IN COUNCIL relating to Colonial Certificates of Competency for Masters, Mates or Engineers. Certificates of Competency—Tasmania.

At the Court at Balmoral, the 20th day of November, 1880 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping (Colonial) Act, 1869," it is (among other things) enacted that—[*Here follows a recital of the Merchant Shipping (Colonial) Act, 1869 (32 Vict. c. 11), s. 8*]:

And whereas her Majesty by Order in Council, dated the 17th day of May, 1876 (a), which revoked an Order in Council, dated the 12th day of February, 1876, has been pleased to declare that (subject to certain conditions and regulations therein contained) the colonial certificates of competency for the foreign trade (therein denominated colonial certificates of competency) granted by the Governor of the Possession of Tasmania under the provisions of the "Merchant Ships' Officers Examination Act, 1874," shall be of the same force as if they had been granted under the said acts relating to merchant shipping :

And whereas the legislature of the British Possession of Tasmania has by the "Merchant Ships' Officers Examination Act, 1878," amended and repealed the said recited "Merchant Ships' Officers Examination Act, 1874," and made other provisions in lieu thereof :

And whereas the legislature of the said British Possession of Tasmania has by the said "Merchant Ships' Officers Examination Act, 1878," provided for the examination of and grant of certificates of competency for foreign-going ships to persons intending to act as masters, mates or engineers on board British ships, which certificates are hereinafter denominated colonial certificates of competency, and the Board of Trade have reported to her Majesty that they are satisfied that the said examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the acts relating to merchant shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said acts and are liable to be forfeited for the like reasons and in the like manner :

And whereas it has been represented to her Majesty in Council that the said recited Order in Council of the 17th day of May, 1876, should be revoked, and a new Order in Council substituted in lieu thereof :

Now, therefore, her Majesty, by and with the advice and consent of her Privy Council, doth hereby direct that from and after the date hereof the said recited Order in Council of the 17th day of May, 1876, shall be, and the same is hereby revoked ; provided, however, that the revocation of the said Order in Council shall not affect or invalidate any colonial certificates of competency granted as aforesaid prior to and existing at the date hereof.

And her Majesty is further pleased—

1. To declare that the said colonial certificates of competency granted by the Governor of the said Possession of Tasmania shall be of the same force as if they had been granted under the said acts.

(a) *Supra*, p. 10.

**Certificates of
Competency—
Tasmania.**

2. To declare that all the provisions of the said acts which relate to certificates of competency for the foreign trade granted under those acts, except so much of the 139th section of "The Merchant Shipping Act, 1854," and the 10th section of "The Merchant Shipping Amendment Act, 1862," as requires the delivery by the Board of Trade to any master, mate or engineer of a copy of any certificate to which he appears to be entitled as therein mentioned, so much of the third paragraph of the 23rd section of the said last-mentioned act as requires, at the conclusion of a case relating to the cancelling or suspending of a certificate, such certificate, if cancelled or suspended, to be forwarded to the Board of Trade; and the whole of the provisions of the fourth paragraph of the same section, shall apply to such colonial certificates of competency.

3. To impose and make the conditions and regulations following numbered 1 to 10 respectively, with respect to the said colonial certificates of competency, and to the use, issue, delivery, cancellation and suspension thereof, and to impose for the breach of such conditions and regulations the penalties therein mentioned.

[Here follow certain conditions and regulations which, mutatis mutandis, are the same as the corresponding conditions and regulations numbered 1 to 4 in the Order relating to the grant of colonial certificates of competency by the Lieutenant Governor of Bengal, supra, p. 1.]

Three Years' Domicile or Service necessary.

5. Such colonial certificates of competency shall be granted only to any person who for a period of three years immediately preceding his application for such colonial certificate or for several periods amounting together to three years, the earliest of which shall have commenced within five years prior to such application, has been domiciled in or has served in a ship or ships registered in one or more of the following Australasian colonies, namely, the colonies on the continent of Australia and New Zealand and Tasmania.

Certificates of competency granted contrary to this regulation shall be regarded as improperly granted.

[The remainder of this Order, except the concluding paragraph, is, mutatis mutandis, the same as the corresponding portion of the Order relating to colonial certificates of competency granted by the Lieutenant Governor of Bengal, supra, p. 1.]

This Order shall take effect in the said Possession of Tasmania from and after the date hereof, and the same shall also apply to and take effect with respect to all such colonial certificates of competency existing at the date hereof, as shall have been granted in pursuance of the provisions of the "Merchant Ships' Officers Examination Acts, 1874 and 1878."

**Consular
Fees.**

ORDER IN COUNCIL relating to Consular Fees chargeable with respect to Vessels entering the Port of Constantinople and the Dardanelles.

**Consular
Fees at Con-
stantinople.**

At the Court at Windsor, the 22nd day of April, 1872 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 4th section of the act of the 6th year of the reign of King George the 4th, c. 87, intituled "An Act to regulate the payment of

salaries and allowances of British Consuls at foreign ports, and the disbursements at such ports for certain public purposes," it is, amongst other things, enacted that—[*Here follows a recital of such of the provisions of the 4th section of 6 Geo. 4, c. 87, as are recited in the Order of the 1st of May, 1855, relating to Consular Fees, supra, p. 15*]:

And whereas by an Order in Council made on the 1st of May, 1855 (a), it was ordered that certain fees mentioned in the table thereunto annexed should be taken:

And whereas by an Order in Council made on the 27th of July, 1863 (b), a fee of five shillings on the entry of any British ship entering any port within the dominions of the Sublime Ottoman Porte was ordered to be taken in part substitution for another fee thereby abolished:

Now, therefore, in pursuance of the said act, and in execution of the powers in her Majesty in Council in that behalf vested by the said act, it is hereby ordered by her Majesty, and with the advice of her Privy Council, that in so far as regards British ships arriving at the port of Constantinople the said fee of five shillings for vessels entering the port of Constantinople be abolished:

And it is further ordered that a certain customary fee at Constantinople of five piastres, paid hitherto in part of, and in addition to the charges taken in respect of the Firman Fees, shall be abolished:

And it is further ordered that a customary fee of five shillings paid on each application at the British Consulate at Constantinople for a Firman of a vessel to pass the Straits, shall be abolished:

And it is further ordered that in lieu of such fees so abolished, there shall be levied at her Britannic Majesty's Consulate General at Constantinople from every such ship on each occasion of entering into the port of Constantinople a fee of ten shillings, to be called Entrance and Harbour Master's fee:

And that a further fee of five shillings shall be charged at her Britannic Consulate General at Constantinople for each application for a Firman or Firmans for each vessel in order to pass the Straits:

And it is further ordered that a certain customary fee of ten shillings hitherto charged on British ships passing the Dardanelles towards the Mediterranean Sea and taken at her Britannic Majesty's Vice-Consulate at the Dardanelles be abolished:

And the Right Honourable Earl Granville, one of her Majesty's Secretaries of State is to give the necessary directions herein accordingly.

**Consular
Fees.**

**Consular
Fees at Con-
stantinople.**

By an Order in Council of the 15th of December, 1879, made under the "Contagious Diseases (Animals) Act, 1878," and gazetted on the 16th of December, 1878, the Orders in Council then in force under that act, including those referred to or set out, *supra*, p. 20, were consolidated and amended.

**Contagious
Diseases
(Animals).**

On the 18th of March, 1880, an Order in Council under the Foreign Deserters Act (15 Vict. c. 26) was made with respect to deserters from merchant ships belonging to the empire of Germany (c).

**Foreign
Deserters—
Germany.**

(a) *Supra*, p. 15.

(b) *Supra*, p. 19.

(c) Gazetted April 2, 1880.

Light Duties.

ORDERS IN COUNCIL relating to the Light Duties leviable by the General Lighthouse Authorities.

Date of Order.	Effect of Order.
August 14th, 1879 ..	Approving light duties, Bull Point lighthouse.
September 6th, 1880 ..	Approving light duties, Langness lighthouse.
September 6th, 1880 ..	Providing that home-trade ships shall pay the same light duties as coasting vessels, and fixing the discount on light duties at 60 per cent. (This order is set out <i>infra</i> .)
November 20th, 1880 ..	Approving light duties, Barrels Rock light vessel.

At the Court at Balmoral, the 6th day of September, 1880 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act, 1854," it is enacted that—
[Here follows a recital of the Merchant Shipping Act, 1854, s. 397]:

And whereas by Order in Council dated the twenty-fourth day of October, one thousand eight hundred and seventy, her Majesty was pleased to approve certain revised and amended New Consolidated Tables of Light Duties (Oversea Section) levied by the said General Lighthouse Authorities respectively in the form thereunto annexed, together with the several reductions, variations, abatements, regulations, and exemptions therein contained :

And whereas by Order in Council dated the sixteenth day of May, one thousand eight hundred and seventy-one (*d*), her Majesty was pleased to approve certain New Consolidated Tables of Light Duties (Coast Section) levied as aforesaid in the form thereunto annexed, together with the several reductions, variations, abatements, regulations, and exemptions therein contained :

And whereas by Order in Council dated the ninth day of August, one thousand eight hundred and seventy-two (*e*), her Majesty was pleased to direct that on and after the first day of October, one thousand eight hundred and seventy-two, the duties for all general passing lights under the management of the said General Lighthouse Authorities should be payable by coasting vessels once only for the whole voyage out and home, subject however to the abatement or discount thereafter mentioned :

And whereas by various Orders in Council since made in pursuance of the said act, in respect of certain new lights, certain tolls have been directed to be paid for oversea vessels and for coasting vessels respectively, subject to a certain abatement or discount, and the regulations and exemptions mentioned in the said New Consolidated Tables of Light Duties, and the said Order in Council of the ninth day of August, one thousand eight hundred and seventy-two :

And whereas by Order in Council dated the twenty-first day of February, one thousand eight hundred and seventy-four (*f*), her Majesty was pleased to direct that on and after the first day of April, one thousand eight hundred and seventy-four, all coasting vessels and all vessels trading between ports in the United Kingdom and ports in Europe (excepting ports in the Mediterranean) should (instead of making one payment of

(*d*) *Supra*, p. 32.

(*e*) *Supra*, p. 33.

(*f*) *Supra*, p. 34.

dues for the voyage out and home) be liable in respect of every light passed or from which benefit might be derived, either on the voyage out or on the voyage home, to one moiety of the dues as provided in the said New Consolidated Tables of Light Duties for each general passing light and for each local light under the management of the said General Light-house Authorities, subject however to the abatement or discount therein-after mentioned :

Light Duties.

And whereas by Order in Council dated the seventeenth day of May, one thousand eight hundred and seventy-six (*g*), her Majesty was pleased to direct that on and after the first day of July, one thousand eight hundred and seventy-six, the abatement or discount to be allowed upon the amount of light duties should be fifty-five per centum, and no more :

And whereas it has been made to appear to her Majesty that it is expedient that the said duties should be varied in the manner hereinafter stated in so far as relates to home-trade ships, that is to say, to ships trading or going between the United Kingdom, the Islands of Guernsey, Jersey, Sark, Alderney, and Man, and the Continent of Europe between the River Elbe and Brest inclusive, and that such ships should be treated in the matter of light duties in the same manner as coasting vessels :

And whereas it has also been made to appear to her Majesty that it is expedient that the said abatement or discount of fifty-five per centum on the amount of all the tolls hereinbefore referred to should be varied in manner hereinafter mentioned :

Now therefore her Majesty, by virtue of the powers vested in her by the said recited act, by and with the advice of her Privy Council, is pleased to direct—

1. That on and after the first day of October, one thousand eight hundred and eighty, vessels trading or going as aforesaid between the United Kingdom, the islands aforesaid, and the Continent of Europe between the River Elbe and Brest inclusive shall, as respects such lights as would be chargeable on coasting vessels passing them, be liable to Light Duties at the same rates (subject to the same abatements) as coasting vessels, and to no other.
2. That on and after the first day of October, one thousand eight hundred and eighty, the abatement or discount to be allowed upon the amount of tolls specified in the said New Consolidated Tables of Light Duties mentioned in the said Orders in Council of the twenty-fourth day of October, one thousand eight hundred and seventy, and the sixteenth day of May, one thousand eight hundred and seventy-one, and upon the amount of tolls specified in the said other Orders in Council hereinbefore referred to, and in this Order in Council, shall, in the case of every oversea vessel and of every coasting vessel, be sixty per centum, and no more.

I.

ORDER IN COUNCIL concerning the Lights and Signals to be carried by Sea-going Vessels, and concerning the steps to be taken for preventing Collisions between such Vessels at Sea.

Navigation Rules.

At the Court at Osborne House, Isle of Wight, the 14th day of August, 1879 :

Regulations for preventing Collisions at Sea.

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it was enacted, that on and after the first day of June, 1863, or such later day as might be fixed for the purpose by Order in Council, the regulations

**Navigation
Rules.**

**Regulations
for prevent-
ing Collisions
at Sea.**

contained in the table marked C. in the schedule to the said act should come into operation and be of the same force as if they were enacted in the body of the said act; but that her Majesty might from time to time, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor; and that any alterations in, or additions to, such regulations made in manner aforesaid should be of the same force as the regulations in the said schedule (h):

And whereas, by the same act, it was further provided, that whenever it should be made to appear to her Majesty that the government of any foreign country was willing that the regulations for preventing collisions contained in Table C. in the schedule to the said act, or such other regulations for preventing collisions as are for the time being in force under the said act, should apply to the ships of such country when beyond the limits of British jurisdiction, her Majesty might, by Order in Council, direct that such regulations should apply to the ships of the said foreign country, whether within British jurisdiction or not (i); and it was further provided by the said act, that whenever an Order in Council had been issued applying any regulation made by or in pursuance of the said act to the ships of any foreign country, such ships should, in all cases arising in any British Court, be deemed to be subject to such regulation, and should, for the purpose of such regulation, be treated as if they were British ships (k):

And whereas, by an Order in Council made in pursuance of the said recited act, and dated the 9th day of January, 1863, her Majesty was pleased to direct:—First, that the regulations contained in the schedule to the said act should be modified by the substitution for such regulations of certain regulations appended to the said Order:

Secondly, that the said regulations appended to the said Order should, on and after the 1st day of June, 1863, apply to French ships, whether within British jurisdiction or not (l):

And whereas, by several Orders in Council subsequently made, her Majesty was pleased to direct that the regulations appended to the said Order of the 9th of January, 1863, should apply to ships of the countries specified in the said Orders, whether within British jurisdiction or not (m):

And whereas, by Order in Council, dated the 30th day of July, 1868, her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to make certain additions to the regulations appended to the said first-recited Order in Council, for the purpose of explaining Articles 11 and 13 of the said regulations, and of removing doubt and misapprehension concerning the effect of the said two articles (n):

And whereas the Admiralty and the Board of Trade have jointly recommended to her Majesty, that the regulations contained in the Order in Council dated the 9th day of January, 1863, and the additions to the said regulations contained in the said Order in Council of the 30th day of July, 1868, shall be annulled from the 1st day of September, 1880, and that there shall be substituted for the said regulations and additions respectively the new regulations hereinafter set forth:

And whereas it has been made to appear to her Majesty that the governments of the several foreign countries mentioned in the second schedule hereto are respectively willing that the regulations contained in the first schedule hereto shall apply to ships of the said countries respectively, whether within British jurisdiction or not:

- (h) Sect. 25.
- (i) Sect. 58.
- (k) Sect. 61.

- (l) *Supra*, p. 36.
- (m) *Supra*, p. 42.
- (n) *Supra*, p. 44.

Now, therefore, her Majesty, by virtue of the powers vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to direct:

First, that on and after the 1st day of September, 1880, the regulations appended to the said Order in Council of the 9th day of January, 1863, and the additions to the said regulations contained in the said Order in Council of the 30th day of July, 1868, shall be annulled, and that there shall be substituted for the said regulations and additions respectively the new regulations contained in the first schedule hereto:

Secondly, that the said regulations contained in the said first schedule hereto shall, from and after the 1st day of September, 1880, apply to ships of the countries mentioned in the said second schedule hereto, whether within British jurisdiction or not.

**Navigation
Rules.**

**Regulations
for preventing
Collisions
at Sea.**

FIRST SCHEDULE.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

Preliminary.

Art. 1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

Art. 2. The lights mentioned in the following articles, numbered 3, 4, 5, 6, 7, 8, 9, 10 and 11, and no others, shall be carried in all weathers, from sunset to sunrise.

Art. 3. A seagoing steam ship when under way shall carry:

- (a.) On or in front of the foremast, at a height above the hull of not less than 20 feet, and if the breadth of the ship exceeds 20 feet then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass; so fixed as to throw the light 10 points on each side of the ship, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.
- (b.) On the starboard side, a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.
- (c.) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass; so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.
- (d.) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

Art. 4. A steam ship, when towing another ship shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than 3 feet apart, so as to distinguish her from other steam ships. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light which other steam ships are required to carry.

Art. 5. A ship, whether a steam ship or a sailing ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry in the same position as the white light which steam ships are required to carry, and, if a steam ship, in place of that light, three red lights in globular lanterns, each not less than 10 inches in diameter, in a vertical line one above the other, not less than 3 feet apart: and shall by day carry in a vertical line one above the other, not less than 3 feet

Navigation Rules.**Regulations for preventing Collisions at Sea.**

apart, in front of but not lower than her foremast head, three black balls or shapes, each two feet in diameter.

These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way.

The above ships, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

Art. 6. A sailing ship under way, or being towed, shall carry the same lights as are provided by Article 3 for a steam ship under way, with the exception of the white light, which she shall never carry.

Art. 7. Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use: and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

Art. 8. A ship, whether a steam ship or a sailing ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light, in a globular lantern of not less than 8 inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon, at a distance of at least one mile.

Art. 9. A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the mast head, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

Art. 10. (a.) Open fishing boats and other open boats when under way shall not be obliged to carry the side lights required for other vessels; but every such boat shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

(b.) A fishing vessel, and an open boat, when at anchor, shall exhibit a bright white light.

(c.) A fishing vessel, when employed in drift net fishing, shall carry on one of her masts two red lights in a vertical line one over the other, not less than 3 feet apart.

(d.) A trawler at work shall carry on one of her masts two lights in a vertical line one over the other, not less than 3 feet apart, the upper light red, and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the coloured lights as provided in Article 7, or a lantern with a red and a green glass as described in paragraph (a.) of this article.

(e.) Fishing vessels and open boats shall not be prevented from using a flare-up in addition, if they desire to do so.

(f.) The lights mentioned in this article are substituted for those mentioned in the 12th, 13th, and 14th Articles of the Convention between France and England scheduled to the British Sea Fisheries Act, 1868 (o).

(g.) All lights required by this article, except side lights, shall be in globular lanterns so constructed as to show all round the horizon (p).

Art. 11. A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or a flare-up light.

Sound Signals for Fog, &c.

Art. 12. A steam ship shall be provided with a steam whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any

(o) Appendix, p. cccxii. See 40 & 41 Vict. c. 42 (Appendix, p. cccliv); and Appendix, p. cccxlii.

(p) As to this article see the Order in Council of the 24th of March, 1880, *infra*, p. 178.

obstructions, and with an efficient fog horn to be sounded by a bellows or other mechanical means, and also with an efficient bell. A sailing ship shall be provided with a similar fog horn and bell.

In fog, mist, or falling snow, whether by day or night, the signals described in this Article shall be used as follows; that is to say,

- (a.) A steam ship under way shall make with her steam whistle, or other steam sound signal, at intervals of not more than two minutes, a prolonged blast.
- (b.) A sailing ship under way shall make with her fog horn, at intervals of not more than two minutes, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (c.) A steam ship and a sailing ship when not under way shall, at intervals of not more than two minutes ring the bell.

Speed of Ships to be moderate in Fog, &c.

Art. 13. Every ship, whether a sailing ship or steam ship, shall in a fog, mist, or falling snow, go at a moderate speed.

Steering and Sailing Rules.

Art. 14. When two sailing ships are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows, viz. :—

- (a.) A ship which is running free shall keep out of the way of a ship which is close-hauled.
- (b.) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.
- (c.) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.
- (d.) When both are running free with the wind on the same side, the ship which is to windward shall keep out of the way of the ship which is to leeward.
- (e.) A ship which has the wind aft shall keep out of the way of the other ship.

Art. 15. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each ship is in such a position as to see both the side lights of the other.

It does not apply by day, to cases in which a ship sees another ahead crossing her own course; or by night, to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Art. 16. If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Art. 17. If two ships, one of which is a sailing ship, and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

Art. 18. Every steam ship, when approaching another ship, so as to involve risk of collision, shall slacken her speed or stop and reverse, if necessary.

Art. 19. In taking any course authorized or required by these regulations, a steam ship under way may indicate that course to any other ship which she has in sight by the following signals on her steam whistle, viz. :—

One short blast to mean "I am directing my course to starboard":

Navigation Rules.

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—
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ing Collisions
at Sea.**

- Two short blasts to mean "I am directing my course to port":
Three short blasts to mean "I am going full speed astern."
The use of these signals is optional; but if they are used, the course of the ship must be in accordance with the signal made.
- Art. 20. Notwithstanding anything contained in any preceding article, every ship, whether a sailing ship or a steam ship, overtaking any other, shall keep out of the way of the overtaken ship.
- Art. 21. In narrow channels every steam ship shall, when it is safe and practicable, keep to that side of the fairway or midchannel which lies on the starboard side of such ship.
- Art. 22. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course.
- Art. 23. In obeying and construing these rules due regard shall be had to all dangers of navigation; and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

No Ship, under any Circumstances, to neglect proper Precautions.

- Art. 24. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences, of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Reservation of Rules for Harbours and Inland Navigation.

- Art. 25. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland navigation.

Special Lights for Squadrons and Convoys.

- Art. 26. Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for ships sailing under convoy.

SECOND SCHEDULE.

Austria-Hungary.	Italy.
Belgium.	Netherlands.
Chili.	Norway.
Denmark.	Portugal.
France.	Russia.
Germany.	Spain.
Great Britain	Sweden.
Greece.	United States.

II.

**Navigation
Rules.**

**Regulations
for prevent-
ing Collisions
at Sea—
Lights to be
carried by
Open Boats
and Fishing
Vessels.**

At the Court at Windsor, the 24th day of March, 1880:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it was enacted that [*Here follows a recital of the Merchant Shipping Act, 1862, s. 25*].

And whereas by the same act it was further provided that [*Here follows a recital of the Merchant Shipping Act, 1862, s. 58*]:

And whereas it was further provided by the said act that [*Here follows a recital of the Merchant Shipping Act, 1862, s. 61*]:

And whereas by an Order in Council, made in pursuance of the said recited act, and dated the 9th day of January, 1863, her Majesty was pleased to direct that there should be substituted for the regulations contained in the schedule to the said act, certain regulations appended to the

said Order, and that the said appended regulations should, on and after the 1st day of June, 1863, apply to French ships, whether within British jurisdiction or not:

And whereas, by several Orders in Council subsequently made, her Majesty was pleased to direct that the regulations appended to the said recited Order should apply to ships of the countries specified in the said Orders, whether within British jurisdiction or not:

And whereas, by an Order in Council dated the 30th day of July, 1868, her Majesty was pleased to make certain additions to the regulations appended to the said first recited Order in Council:

And whereas, by Order in Council dated the 14th day of August, 1879 (*g*), her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to direct that on and after the 1st day of September, 1880, the said regulations, and the additions thereto, should be annulled, and that there should be substituted therefor the new regulations contained in the first schedule thereto, and that the same should, from and after the 1st day of September, 1880, apply to ships of the countries mentioned in the said second schedule thereto, whether within British jurisdiction or not:

And whereas article numbered 9, of the regulations appended to the said recited Order in Council of the 9th day of January, 1863, is as follows: that is to say,

Art. 9. Open fishing boats, and other open boats, shall not be required to carry the said lights required for other vessels; but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fishing vessels and open boats, when at anchor or attached to their nets and stationary, shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition if considered expedient:

And whereas the article numbered 10 of the said new regulations, contained in the first schedule of the said recited Order in Council of the 14th day of August, 1879, which said article is to be in substitution for the said recited Article numbered 9, is as follows: that is to say,

- Art. 10. (*a*.) Open fishing boats and other open boats, when under way, shall not be obliged to carry the side lights required for other vessels; but every such boat shall, in lieu thereof, have ready at hand a lantern with a green glass on the one side and a red glass on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.
- (*b*.) A fishing vessel and an open boat, when at anchor, shall exhibit a bright white light.
- (*c*.) A fishing vessel, when employed in drift net fishing, shall carry on one of her masts two red lights in a vertical line, one over the other, not less than three feet apart.
- (*d*.) A trawler at work shall carry on one of her masts two lights in a vertical line, one over the other, not less than three feet apart, the upper light red and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the coloured lights as provided in Article 7, or a lantern with a red and a green glass, as described in paragraph (*a*.) of this article.
- (*e*.) Fishing vessels and open boats shall not be prevented from using a flare-up in addition if they desire to do so.
- (*f*.) The lights mentioned in this article are substituted for those men-

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Regulations for preventing Collisions at Sea—
Lights to be carried by Open Boats and Fishing Vessels.

Navigation Rules.**Regulations for preventing Collisions at Sea.**

Two short blasts to mean "I am directing my course to port":

Three short blasts to mean "I am going full speed astern."

The use of these signals is optional; but if they are used, the course of the ship must be in accordance with the signal made.

Art. 20. Notwithstanding anything contained in any preceding article, every ship, whether a sailing ship or a steam ship, overtaking any other, shall keep out of the way of the overtaken ship.

Art. 21. In narrow channels every steam ship shall, when it is safe and practicable, keep to that side of the fairway or midchannel which lies on the starboard side of such ship.

Art. 22. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course.

Art. 23. In obeying and construing these rules due regard shall be had to all dangers of navigation; and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

No Ship, under any Circumstances, to neglect proper Precautions.

Art. 24. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences, of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Reservation of Rules for Harbours and Inland Navigation.

Art. 25. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland navigation.

Special Lights for Squadrons and Convoys.

Art. 26. Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for ships sailing under convoy.

SECOND SCHEDULE.

Austria-Hungary.	Italy.
Belgium.	Netherlands.
Chili.	Norway.
Denmark.	Portugal.
France.	Russia.
Germany.	Spain.
Great Britain	Sweden.
Greece.	United States.

II.**Navigation Rules.****Regulations for preventing Collisions at Sea—Lights to be carried by Open Boats and Fishing Vessels.**

At the Court at Windsor, the 24th day of March, 1880:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it was enacted that [*Here follows a recital of the Merchant Shipping Act, 1862, s. 25*].

And whereas by the same act it was further provided that [*Here follows a recital of the Merchant Shipping Act, 1862, s. 58*]:

And whereas it was further provided by the said act that [*Here follows a recital of the Merchant Shipping Act, 1862, s. 61*]:

And whereas by an Order in Council, made in pursuance of the said recited act, and dated the 9th day of January, 1863, her Majesty was pleased to direct that there should be substituted for the regulations contained in the schedule to the said act, certain regulations appended to the

said Order, and that the said appended regulations should, on and after the 1st day of June, 1863, apply to French ships, whether within British jurisdiction or not:

And whereas, by several Orders in Council subsequently made, her Majesty was pleased to direct that the regulations appended to the said recited Order should apply to ships of the countries specified in the said Orders, whether within British jurisdiction or not:

And whereas, by an Order in Council dated the 30th day of July, 1868, her Majesty was pleased to make certain additions to the regulations appended to the said first recited Order in Council:

And whereas, by Order in Council dated the 14th day of August, 1879 (g), her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to direct that on and after the 1st day of September, 1880, the said regulations, and the additions thereto, should be annulled, and that there should be substituted therefor the new regulations contained in the first schedule thereto, and that the same should, from and after the 1st day of September, 1880, apply to ships of the countries mentioned in the said second schedule thereto, whether within British jurisdiction or not:

And whereas article numbered 9, of the regulations appended to the said recited Order in Council of the 9th day of January, 1863, is as follows: that is to say,

Art. 9. Open fishing boats, and other open boats, shall not be required to carry the said lights required for other vessels; but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fishing vessels and open boats, when at anchor or attached to their nets and stationary, shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition if considered expedient:

And whereas the article numbered 10 of the said new regulations, contained in the first schedule of the said recited Order in Council of the 14th day of August, 1879, which said article is to be in substitution for the said recited Article numbered 9, is as follows: that is to say,

Art. 10. (a.) Open fishing boats and other open boats, when under way, shall not be obliged to carry the side lights required for other vessels; but every such boat shall, in lieu thereof, have ready at hand a lantern with a green glass on the one side and a red glass on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

(b.) A fishing vessel and an open boat, when at anchor, shall exhibit a bright white light.

(c.) A fishing vessel, when employed in drift net fishing, shall carry on one of her masts two red lights in a vertical line, one over the other, not less than three feet apart.

(d.) A trawler at work shall carry on one of her masts two lights in a vertical line, one over the other, not less than three feet apart, the upper light red and the lower green, and shall also either carry the side lights required for other vessels, or, if the side lights cannot be carried, have ready at hand the coloured lights as provided in Article 7, or a lantern with a red and a green glass, as described in paragraph (a.) of this article.

(e.) Fishing vessels and open boats shall not be prevented from using a flare-up in addition if they desire to do so.

(f.) The lights mentioned in this article are substituted for those men-

(g) *Supra*, p. 173.

Navigation Rules.

Regulations for preventing Collisions at Sea—
Lights to be carried by Open Boats and Fishing Vessels.

**Navigation
Rules.****Regulations
for prevent-
ing Collisions
at Sea—****Extension to
Ships belong-
ing to Brasil,
Japan, Tur-
key, and
other Powers.**

And whereas by Order in Council dated the thirtieth day of July, one thousand eight hundred and sixty-eight, her Majesty was pleased to make certain additions to the regulations appended to the said first-recited Order in Council :

And whereas by Order in Council dated the fourteenth day of August, one thousand eight hundred and seventy-nine, her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to direct that on and after the first day of September, one thousand eight hundred and eighty, the said regulations and the additions thereto should be annulled, and that there should be substituted therefor the new regulations contained in the first schedule thereto, and that the same should, from and after the first day of September, one thousand eight hundred and eighty, apply to ships belonging to the following countries ; that is to say,

Austria-Hungary ;	Italy ;
Belgium ;	Netherlands ;
Chili ;	Norway ;
Denmark ;	Portugal ;
France ;	Russia ;
Germany ;	Spain ;
Great Britain ;	Sweden, and
Greece ;	United States,

whether within British jurisdiction or not :

And whereas by Order in Council dated the twenty-fourth day of March, one thousand eight hundred and eighty, her Majesty, on the joint recommendation of the Admiralty and the Board of Trade, was pleased to direct that the operation of the article numbered 10 of the new regulations contained in the first schedule of the said Order in Council of the fourteenth day of August, one thousand eight hundred and seventy-nine, should be suspended until the first day of September, one thousand eight hundred and eighty-one, and that in lieu thereof, and in substitution therefor, the article numbered 9 of the regulations appended to the said Order in Council of the ninth day of January, one thousand eight hundred and sixty-three, should continue and remain in force until the said first day of September, one thousand eight hundred and eighty-one :

And whereas by Order in Council dated the sixth day of September, one thousand eight hundred and eighty, her Majesty on the joint recommendation of the Admiralty and the Board of Trade was pleased to direct that from and after the first day of September, one thousand eight hundred and eighty, the said new regulations for preventing collisions at sea contained in the first schedule of the said recited Order in Council of the fourteenth day of August, one thousand eight hundred and seventy-nine, should with the exception of the Article 10 thereof apply to ships belonging to the following countries ; that is to say,

Cochin ;	Muscat ;
Kattyawar ;	Travancore ; and
Khelat ;	Zanzibar ;
Kutch ;	

whether within British jurisdiction or not :

And whereas it has been made to appear to her Majesty that the Governments of the several foreign countries hereinafter mentioned ; that is to say :

The Government of Brazil ;
„ „ Ecuador ;
„ „ Hawaii ;
„ „ Japan ; and
„ „ Turkey,

are respectively willing that from and after the first day of September, one thousand eight hundred and eighty, the said new regulations for preventing collisions at sea, a copy whereof is hereunto appended, contained

in the first schedule of the said recited Order in Council of the fourteenth day of August, one thousand eight hundred and seventy-nine, shall, subject to the provisions of the said recited Order in Council of the twenty-fourth day of March, one thousand eight hundred and eighty, apply to ships belonging to their respective countries when beyond the limits of British jurisdiction :

And whereas the said Government of Japan is desirous that Article numbered 12 of the said regulations should as applied to Japanese ships be modified as follows, viz. : that it shall not be necessary for the fog horn, by the said article required to be provided and used on board steam and sailing ships as a sound signal for fog, &c., to be sounded by a bellows or other mechanical means when the same is carried on board ships belonging to Japan :

And whereas the said Government of Turkey is desirous that the said article numbered 12 of the said regulations shall, as applied to Turkish ships, be modified as follows, viz. : that, in lieu of and in substitution for the bell required by the said article to be provided and used as a sound signal for fog, &c., there may be placed and kept on board Turkish ships an efficient drum which shall be sounded under the same circumstances and at the same intervals as by the said article a bell is required to be rung :

Now, therefore, her Majesty by virtue of the powers vested in her by the said recited act, and by and with the advice of her Privy Council is pleased to direct :

That from and after the first day of September, one thousand eight hundred and eighty, the said new regulations for preventing collisions at sea, a copy whereof is hereunto appended, contained in the first schedule of the said recited Order in Council of the fourteenth day of August, one thousand eight hundred and seventy-nine, shall, subject to the provisions of the said recited Order in Council of the twenty-fourth day of March, one thousand eight hundred and eighty, apply to ships belonging to the following countries ; that is to say,

Brazil ;

Ecuador ;

Hawaii ;

Japan ; and

Turkey,

whether within British jurisdiction or not :

Provided, however, that as regards (1) Japanese and (2) Turkish ships, the article numbered 12 of the said regulations shall be modified as follows, viz. :

(1) It shall not be necessary for the fog horn by the said article required to be provided and used on board steam and sailing ships as a sound signal for fog, &c., to be sounded by a bellows or other mechanical means when the same is carried on board ships belonging to Japan ;

And (2) it shall not be necessary for the bell, required by article numbered 12 of the said regulations, to be provided and used on board steam and sailing ships as a sound signal for fog, &c., to be placed and kept on board Turkish ships, but that in lieu thereof and in substitution therefor, there may be placed and kept on board such Turkish ships an efficient drum, which shall be sounded under the same circumstances and at the same intervals as by the said article a bell is required to be rung.

[Here follows a copy of the first schedule of the Order in Council of the 14th of August, 1879, *supra*, p. 178.]

Navigation Rules.

Regulations for preventing Collisions at Sea—
Extension to Ships belonging to Brasil, Japan, Turkey, and other Powers.

**Navigation
Rules.
—
Dockyard
Ports.**

An Order in Council defining the limits of the Dockyard Port of Portland was made on the 29th of June, 1878, under the provisions of "The Dockyard Ports Regulation Act, 1865," and was gazetted on the 2nd of July, 1878.

**Navigation
Rules.**

Thames River.

At the Court at Windsor, the 18th day of March, 1880 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Thames Conservancy Act, 1857," it is enacted that the Conservators of the River Thames shall have power and authority from time to time to make bye-laws for the regulation, management and improvement of the River Thames and the navigation thereof, in the manner thereby provided, and to impose penalties not exceeding five pounds for the breach or non-performance of such bye-laws :

[Here follow four recitals the same in terms as the corresponding recitals in the Order in Council of the 5th of February, 1872, *supra*, p. 50.]

And whereas by the twelfth section of "The Thames Conservancy Act, 1867," and by the eighth, ninth, and thirty-fifth sections of "The Thames Navigation Act, 1870," further powers were vested in the conservators respecting the making of bye-laws :

And whereas the said conservators have, in exercise of the powers conferred upon them by the said recited acts, made and submitted for the allowance of her Majesty in Council certain rules and bye-laws for the regulation, management and improvement of the navigation of the river Thames, and amongst others certain bye-laws which have been allowed by Orders in Council, dated respectively the fifth day of February, one thousand eight hundred and seventy-two(s), the twentieth day of November, one thousand eight hundred and seventy-three(t), the seventeenth day of March, one thousand eight hundred and seventy-five(u), and the eleventh day of July, one thousand eight hundred and seventy-seven(x) :

And whereas it has been deemed expedient by the said conservators to repeal in part the said last-mentioned bye-laws, and to make new bye-laws in lieu of the portions so repealed, in the manner set forth in the schedule hereunto annexed :

And whereas the said new bye-laws have been duly published in accordance with the said recited acts ; and it has been made to appear to her Majesty that the said new bye-laws are reasonable and proper :

Now, therefore, her Majesty by virtue of the powers vested in her by "The Thames Conservancy Act, 1864," and of every other power enabling her in that behalf, by and with the advice of her Privy Council, is pleased to allow the said new bye-laws, and to direct that the same shall come into force from and after the first day of June, one thousand eight hundred and eighty.

SCHEDULE referred to in the above Order.

Bye-laws numbered 28, 29, with subsections (a) (b) (c) (d) (e) (f) (g) (h) (i) (j), and 32 with subsections (a) (b) (c) (d), 33, 34, 35 with subsections (a) and (b), and 46 allowed by Order of her Majesty in Council on the 5th February, 1872, and the bye-law so allowed on the 20th November, 1873, and bye-laws numbered 1, 4, 5, so allowed on the 17th March, 1875, and bye-law No. 5, so allowed on the 11th July, 1877, shall after these present bye-laws have been allowed by Order of her Majesty in Council be, and the same are hereby repealed.

The word "vessel" shall mean any ship, lighter, barge, boat, wherry, punt, canoe and any kind of craft whatever, whether navigated by steam or otherwise.

The word "river" shall mean that part of the river Thames which is within

**Interpreta-
tion.**

(s) *Supra*, p. 50.
(t) *Supra*, p. 57.

(u) *Supra*, p. 58.
(x) *Supra*, p. 59.

the jurisdiction of the conservators between Cricklade, in the county of Wilts, and Yantlet Creek, in the county of Kent.

Navigation
Rules.

1. In obeying and construing the following rules due regard shall be had to all dangers of navigation; and to any special circumstances which may render a departure from the rules necessary in order to avoid immediate danger.

Thames River.

2. Nothing in the following rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights, or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Not to neglect
proper pre-
cautions.

BYE-LAW for the REGULATION of the NAVIGATION of the RIVER.

3. Every steam vessel navigating the river shall be navigated with care and caution, and at a speed and in a manner which shall not endanger the safety of other vessels or moorings, or cause damage thereto, or to the banks of the river. Special care and caution shall be used in navigating such steam vessel when passing vessels employed in dredging or removing sunken vessels or other obstructions.

Steam vessels
to be navi-
gated with
care as to
speed.

If the safety of any vessel or moorings is endangered or damage is caused thereto or to the banks of the river by a passing steam vessel, the onus shall lie upon the owner of such steam vessel to show that she was navigated with care and caution, at such speed and in such manner as directed by this rule.

BYE-LAWS and RULES for the REGULATION of the NAVIGATION of the RIVER between YANTLET CREEK and TEDDINGTON LOCK.

Rules concerning Lights.

4. The lights mentioned in the following rules, numbered 5 to 10 and no others, shall be carried in all weathers, from sunset to sunrise.

5. A steam vessel when under way shall carry:

Steamers'
lights.

- (a.) On or before the foremast, or if there be no foremast, on a staff at the forepart of the vessel at a height above the hull of not less than twenty feet, and if the breadth of the vessel exceeds twenty feet, then at a height above the hull not less than such breadth, a bright white light, so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass; so fixed as to throw the light ten points on each side of the vessel, viz., from right ahead to two points abaft the beam on either side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles. Provided that steam vessels which navigate both above and below London Bridge shall not be required to carry their lights at a greater height than twelve feet above the hull.

Steam vessels navigating only above London Bridge may carry the white light at any convenient height above the stem.

- (b.) On the starboard side, a green light so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least one mile.

Above London
Bridge.

- (c.) On the port side, a red light, so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass; so fixed as to throw the light from right ahead to two points abaft the beam on the port side; and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least one mile.

- (d.) The said green and red side lights shall be fitted in such a manner as to prevent these lights from being seen across the bow.

- (e.) A steam vessel, when towing another vessel, shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than four feet apart. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light which other steam vessels are required to carry.

Steamers
when towing
to have two
white lights.

- (f.) A steam vessel towing may also carry a light showing astern as a guiding light to the vessel or vessels towed, but this light must be so screened as not to be visible further forward than four points abaft her beam.

Stern light
when towing.

Navigation Rules.**Thames River.**

Sailing vessels' lights.

Anchor lights.

Outer vessels in tiers.

Overtaken vessels.

Lights to mark position of wrecks.

Dredgers' lights.

6. A sailing vessel under way, or being towed, shall only carry the side lights provided by (b.) and (c.) of Rule 5 for a steam vessel under way.

7. A steam vessel, a sailing vessel, or a barge, when at anchor in the river, shall carry where it can best be seen, at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear uniform and unbroken light, visible all round the horizon, at a distance of at least one mile; provided always that where masted vessels are lying in tiers, the outermost off shore masted vessels only of each tier shall each carry a light similar to that required for vessels at anchor; but barges lying at the usual barge moorings in the river above Barking Creek shall not be required to exhibit such riding light.

8. A vessel which is being overtaken by another vessel below Barking Creek shall show from her stern to such last-mentioned vessel a white light, or a flare-up light.

This rule shall not apply to boats, wharries, punts, or canoes.

9. All vessels when employed to mark the positions of wrecks or other obstructions shall exhibit two bright lights placed horizontally not less than six nor more than twelve feet apart.

10. Every steam dredger moored in the river shall, between sunset and sunrise, exhibit three bright lights from globular lanterns of not less than eight inches in diameter, the said three lights to be placed in a triangular form, and to be of sufficient power to be distinctly visible with a clear atmosphere, on a dark night, at a distance of at least one mile, and to be placed not less than six feet apart on the highest part of the framework, athwart-ships.

Rules concerning Fog, &c. Signals.

Caution as to speed in a fog.

Steam whistles and bell.

Fog horn and bell.

Fog signals, when under way.

11. All vessels entering or being overtaken by a fog shall be navigated with the greatest caution and at a very moderate speed.

12. Every steam vessel navigating the river shall be provided with a steam whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstruction, and also with an efficient bell. Every sailing vessel navigating the river shall be provided with an efficient fog horn, and also with an efficient bell.

13. In fog, whether by day or night, the signals described in this rule shall be used, that is to say:

(a.) A steam vessel under way shall make with her steam whistle, or other steam sound signal, at intervals of not more than two minutes, a prolonged blast.

(b.) A sailing vessel under way shall sound her fog horn at intervals of not more than two minutes.

(c.) All steam vessels and all sailing vessels when in the fairway of the river, and not under way, shall at intervals of not more than two minutes ring the bell.

Rules as to Speed and Mode of Navigation.

Slacken speed or stop.

Speed between Barking Creek and London Bridge.

Overtaking vessel to keep out of the way.

14. Every steam vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, and shall stop and reverse, if necessary.

15. Steam vessels navigating the river between Barking Creek and London Bridge, other than river passenger steamers certified to carry passengers in smooth water only, shall never exceed a speed of seven statute miles per hour over the ground whether with or against the tide.

16. Every sailing vessel or steam vessel, overtaking any other vessel, shall keep out of the way of the overtaken vessel, which latter vessel shall keep her course.

BYE-LAWS and RULES regulating the NAVIGATION of the RIVER between YANTLET CREEK and a line drawn from BLACKWALL POINT to BOW CREEK.

Steam-whistle Signals.

17. When two steam vessels are in sight of one another, and are approaching with risk of collision, the following steam signals shall be intimations of the course they intend to take:

When intending to pass port side to port side.

(a.) One short blast of the steam-whistle of about three seconds duration to mean "I am directing my course to starboard, and intend to pass you port side to port side." The use of this signal shall be optional.

- (b.) Two short blasts of the steam-whistle, each of about three seconds duration, to mean "I am directing my course to port, and intend to pass you starboard side to starboard side."

This latter signal shall not be used in the case provided by Rule (22) where that rule can be obeyed; but it shall be compulsory to use this signal when a departure from that rule is necessary to avoid immediate danger.

18. When it is unsafe or impracticable for a steam vessel to keep out of the way of a sailing vessel, she shall signify the same to the sailing vessel by four or more blasts of the steam-whistle in rapid succession, the blasts to be of about two seconds duration.

19. The signals by whistle mentioned in the preceding rules shall not be used on any occasion or for any purpose except those mentioned in the rules; and no other signal by whistle shall be made by any steam vessel unless it be by a prolonged blast of not less than five seconds duration.

Steering and Sailing Rules.

20. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

- (a.) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
- (b.) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c.) When both are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d.) When both are running free with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (e.) A vessel which has the wind aft shall keep out of the way of the other vessel.

21. If a sailing vessel and a steam vessel are proceeding in such a direction as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

If, owing to causes beyond the control of those navigating the steam vessel, it is unsafe or impracticable for the steam vessel to keep out of the way of the sailing vessel, she shall signify the same to the sailing vessel by four or more blasts of the steam whistle in rapid succession, as mentioned in Rule (18); the sailing vessel shall then keep out of the way.

22. When two steam vessels proceeding in opposite directions, the one up and the other down the river, are approaching one another so as to involve risk of collision, they shall pass one another port side to port side.

23. Steam vessels navigating against the tide shall, before rounding the following points, viz., Coalhouse Point, Tilburyness, Broadness, Stoneness, Crayfordness, Cold Harbour Point, Jenningtree Point, Halfway House Point or Crossness, Margaretness or Tripcock Point, Bull Point or Gallionsness, Hookness, and Blackwall Point, ease their engines, and wait until any other vessels rounding the point with the tide have passed clear.

24. Steam vessels crossing from one side of the river towards the other side, shall keep out of the way of vessels navigating up and down the river.

25. Where by the above rules one of two vessels is to keep out of the way, the other shall keep her course.

BYE-LAWS and RULES regulating the NAVIGATION of the RIVER above Teddington.

26. When two steam vessels proceeding in opposite directions, the one up and the other down the river, are approaching one another so as to involve risk of collision, they shall pass one another port side to port side.

27. Steam vessels navigating against the stream shall ease, and if necessary stop, to allow vessels coming down with the stream to pass clear.

28. Every steam vessel shall, when under way, after sunset and before sunrise, either carry the lights required for steam vessels by Rule 5, or exhibit a bright white light on or above the stem, or on the funnel.

29. The name of every steam vessel navigating the river shall be painted or marked and kept in plainly legible characters not less than two inches in length

5 X 2

Navigation Rules.

Thames River.

When intending to pass starboard side to starboard side.

When a steam vessel cannot keep out of the way of a sailing vessel.

Prolonged blast of not less than five seconds duration.

Steam vessels to keep out of the way of sailing vessels. If steam vessel cannot keep out of the way. See Rule 18.

Two steam vessels approaching to pass port side to port side.

Rounding points.

Steam vessels crossing the river.

Steam vessels going against the stream to give way.

Lights on steamers above Teddington.

Name of steam vessel to

Navigation Rules.
Thames River.
 be marked on bows and stern.
 Penalty.

on the outside of both bows and on the outside of the stern; and such name and the residence of the owner shall be registered with the conservators.

30. Any person committing any breach of or in any way infringing any of these bye-laws shall be liable to a penalty of, and shall forfeit, a sum not exceeding 5*l.*, which said penalty shall be recovered, enforced, and applied according to the provisions of the Thames Conservancy Acts, 1857 and 1864.

Passenger Steamship Certificates—Bombay.

ORDER IN COUNCIL relating to Certificates for Passenger Steamships granted by the Government of Bombay.

At the Court at Balmoral, the 28th day of October, 1879 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act, 1867," it is enacted that—
[Here follows a recital of the Merchant Shipping Act, 1876, s. 19] :

And whereas the legislature of the British possession of Bombay has provided for the survey and grant of certificates for passenger steamers :

And whereas the Board of Trade have reported to her Majesty that they are satisfied that such certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the acts relating to merchant shipping :

Now, therefore, her Majesty is hereby pleased, by and with the advice of her Privy Council—

1. To declare that the certificates granted under the said provision by the legislature of the British possession of Bombay for passenger steamers shall be of the same force as if they had been granted for the same purpose in the United Kingdom under the said acts relating to merchant shipping.

2. To declare that all the provisions of the said acts which relate to certificates granted for passenger steamers under those acts shall, without modification, except as hereinafter mentioned, apply to the certificates referred to in this Order.

3. To declare that it shall not be lawful for a passenger steamer to which this Order relates to proceed to sea with passengers on board from any port or place in the United Kingdom on any voyage other than one to the said possession of Bombay, or to any intermediate place or places situate on such voyage.

4. To declare that if any passenger steamer goes to sea from any place in the United Kingdom with any passengers on board upon any voyage other than a voyage to the said possession of Bombay, or any intermediate place or places as aforesaid, the owner thereof shall for every such offence incur a penalty not exceeding 50*l.*, and such penalty is hereby imposed accordingly.

Pilotage.
Trinity House of Deptford Strond
(Licences for exempt Ships between the Nore and Rochester).

ORDERS IN COUNCIL relating to Pilotage within the Pilotage Jurisdiction of the Trinity House of Deptford Strond.

I.

At the Court at Balmoral, the 6th day of September, 1880 :

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 333rd section of "The Merchant Shipping Act, 1854," it is enacted that, subject to the provisions contained in the fifth part of the act, it shall be lawful for every pilotage authority, by bye-law made with the consent of her Majesty in Council, amongst other things, "to determine the qualifications to be required from persons applying to be licensed as pilots," and "to fix the terms and conditions of granting licences to pilots:"

And whereas it is expedient to make regulations to determine the qualifications to be required from persons so applying to be licensed, and to fix the terms and conditions of granting such licences:

And whereas it has been made to appear to the Corporation of the Trinity House of Deptford Strond, being the pilotage authority for the port of London and the seas and channels leading thereto, according to the meaning of the said recited act, that certain persons have for a long period of time been employed in piloting ships between the Nore and Rochester without being duly licensed as pilots by the said pilotage authority:

And whereas it has been resolved by the said Corporation of the Trinity House that such a number of the said persons as the corporation shall from time to time see fit shall be licensed as pilots by the corporation for the purpose of piloting ships exempted from compulsory pilotage between the Nore and Rochester:

And whereas it has been deemed expedient that the qualification to be required from such last-named persons, and the terms and conditions of granting licences to them, should differ and be distinct from the qualifications, terms, and conditions which apply to the appointing and licensing of pilots for the general service within the said London district, and it is intended to designate such persons to be so licensed as "pilots for exempted ships":

And whereas the said corporation have submitted for the consent of her Majesty in Council certain regulations (hereunto annexed) for the licensing of persons as pilots, and whereas the said regulations appear to be proper and reasonable:

Now, therefore, her Majesty, by virtue of the power vested in her by the said recited act, and by and with the advice of her Privy Council, is pleased to approve, and doth hereby approve, of the said regulations so submitted as aforesaid.

REGULATIONS referred to in the foregoing ORDER.

1. All persons applying for licences as pilots for such exempted ships between the Nore and Rochester, shall produce such certificates as shall be deemed satisfactory by the Trinity House previously to examination as in the said act provided on the following points, viz.: -

- (1.) Their qualification by previous service under the rule hereinafter provided.
- (2.) Their previous good conduct and habits of sobriety.
- (3.) That they are in good health and not afflicted with any bodily complaint or infirmity, rendering them unfit to perform the duties of a pilot, which last certificate shall be under the hand of a duly-authorized medical practitioner.

2. Any person who shall be able to prove to the satisfaction of the Trinity House that he has piloted ships between the Nore and Rochester for a period of two years previously to the date of this bye-law, or that he is otherwise eligible by practical experience in the navigation of vessels within that district, shall be deemed qualified after examination, as in the said act provided, to be licensed as a pilot for the navigation between the Nore and Rochester, subject to the following terms and conditions, viz.:

- (1.) That such licence shall authorize him to act as pilot only on board such exempted ships and no others; all pilots so licensed being intended to be designated "pilots for exempted ships."
- (2.) That such licence shall not authorize him to supersede, in the charge of any ship, any other pilot duly licensed by the Trinity House for the said navigation between the Nore and Rochester.
- (3.) That he shall be subject to all bye-laws, rules, orders, and regulations made or hereafter to be made by the Trinity House for the government of pilots generally, and to all penalties thereby imposed and provided, unless specially exempted therefrom.
- (4.) That he shall pay the like sums of money as are payable by pilots licensed for the London district on their appointment and on the annual renewal of their licences, but shall not be required to pay to the Pilots' Fund the

Pilotage.

Trinity House
of Deptford
Strond
(Licences for
exempt Ships
between the
Nore and
Rochester).

**Trinity House
of Deptford
Strond
(Licences for
exempt
Ships between
the Nore and
Rochester).**

poundage of sixpence in the pound upon the pilotage earnings of pilots licensed by the Trinity House, as provided by the 385th section of the said act, nor shall he or his widow or children be entitled to any benefit from the said Pilots' Fund.

II.

**Trinity House
of Deptford
Strond
(Rates for
exempt
Ships between
the Nore and
Rochester).**

At the Court at Balmoral, the 6th day of September, 1880:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by the 9th section of "The Merchant Shipping Act, 1872," it is enacted that the Trinity House may, by bye-law made with the sanction of her Majesty in Council, repeal or relax the provisions of the 358th section of "The Merchant Shipping Act, 1854," within the whole or any part of their district, so far as to allow any pilot or class of pilots under their jurisdiction to demand or receive and any master to offer or pay any rate less than the rate for the time being demandable by law:

And whereas it appears to the Trinity House expedient to relax the provisions of the said section in respect of pilotage services between the Nore and Rochester (being a district of the Trinity House) to the extent hereinafter appearing:

And whereas the Trinity House hath submitted for the sanction of her Majesty in Council the following bye-law (that is to say):

From and after the publication in the London Gazette of the Order signifying the consent of her Majesty in Council to this bye-law, no pilot licensed by the Trinity House for the navigation between the Nore and Rochester shall incur any penalty for demanding or receiving in respect of the pilotage within the limits aforesaid of any ship exempted from compulsory pilotage any rate less than the rate for the time being demandable by law in respect of such ship, and no master of any such ship shall incur any penalty for offering or paying in respect of the pilotage of any such ship within the limits aforesaid any rate less than the rate for the time being demandable by law in respect of such ship, anything contained in the 358th section of "The Merchant Shipping Act, 1854," to the contrary notwithstanding.

Now, therefore, her Majesty, having taken the said bye-law into consideration, and deeming the same to be reasonable and proper, is pleased, by and with the advice of her Privy Council, and by virtue of the power vested in her by the said recited act, to declare her consent to the same, and the said bye-law is hereby approved accordingly.

Sea Fisheries. ORDER IN COUNCIL *relating to the Lettering and Numbering of Sea-Fishing Boats.*

**Registration
&c. of
Sea-fishing
Boats.**

At the Court at Windsor, the 26th day of February, 1880:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Sea Fisheries Act, 1868," it is (among other things) enacted that it shall be lawful for her Majesty from time to time by Order in Council to make, alter, and revoke regulations for carrying into execution the said act and the intent and object thereof, and for the maintenance of good order among sea-fishing boats and the persons belonging thereto:

And whereas by the said act it is further enacted that it shall be lawful for her Majesty by Order in Council from time to time to do all or any of

the following things, viz.—[*Here follows a recital of sub-sections (a.) to (f.) of the Sea Fisheries Act, 1868, s. 23*]:

And whereas her Majesty did, in pursuance of the said recited act on the 18th day of June, 1869, by Order in Council, make certain regulations for the lettering, numbering, and registering of British sea-fishing boats under Part II. of the act(y), and did on the 23rd day of October, 1877, by a further Order in Council(z), make certain additional regulations for the same purpose, all of which regulations are now in force:

And whereas it has been made to appear that it is expedient that the said Order of the 23rd day of October, 1877, should be revoked, and that the regulations in the Schedule hereto annexed should be substituted for the regulations annexed to the said Order of the 23rd day of October, 1877:

Now, therefore, her Majesty, in exercise of the powers vested in her by the said recited act, by and with the advice of her Privy Council, is pleased to revoke the said Order so made on the 23rd day of October, 1877, and is pleased to make, in lieu of the regulations to the said Order annexed, the regulations which are set forth in the Schedule hereto annexed, and to direct that the same shall come into force from the date of the present Order.

SCHEDULE to which the foregoing ORDER refers.

Additional Regulations for the Lettering, Numbering, and Registering of British Sea-Fishing Boats, under Part II. of the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45).

1. All open or undecked boats employed in fishing or dredging for purposes of sale on the coasts of England, Wales, and the Islands of Guernsey, Jersey, Alderney, Sark, and Man, and not going outside.

(a.) The distance of three miles from low-water mark along the whole extent of the said coasts:

(b.) In cases of bays less than ten miles wide, the line joining the headlands of such bays,

shall not be subject to the regulations for the lettering, numbering, and registering of British sea-fishing boats under Part II. of the Sea Fisheries Act, 1868, made by her Majesty on the 18th day of June, 1869.

2. If any boat required to have its name and that of the port to which it belongs, painted on the stern in pursuance of the regulations for the lettering, numbering, and registering of British sea-fishing boats under Part II. of the Sea Fisheries Act, 1868, made by her Majesty on the 18th day of June, 1869, and not having the name and port so painted, is used as a sea-fishing boat, the owner and master shall each be liable to a penalty not exceeding twenty pounds.

3. The owner and master of any boat required to be registered, lettered, and numbered, or otherwise marked in pursuance of the said regulations, who shall, in the absence of any reasonable cause for the same (proof whereof shall lie on him) efface, cover, or conceal, or cause to be effaced, covered, or concealed, in any manner whatsoever, the letters, numbers, and names placed on such boats or their sails, shall each be liable to a penalty not exceeding twenty pounds.

4. For the purpose of carrying out the two foregoing regulations, any sea-fishery officer may seize and detain the boat, and prevent it from going to sea, and from sea fishing, and may for that purpose, if it is at sea, take it back into the nearest or most convenient British port.

5. Whenever the owner of any registered British sea-fishing boat proves to the satisfaction of the proper officer of customs or coast guard or any sea-fishery officer that he has lost or been deprived of any certificate of registry already granted to him under Part II. of the Sea Fisheries Act, 1868, and the regulations made thereunder, and a copy of such certificate is made out, and delivered to such owner, a fee of one shilling shall be paid by him to the officer delivering the same.

(y) *Supra*, p. 97.

(z) *Supra*, p. 103.

Sea Fisheries.

Registration
&c. of
Sea-fishing
Boats.

**Tonnage
Measurement
—Russia.**

ORDER IN COUNCIL relating to the Tonnage Measurement of Foreign Ships.

At the Court at Balmoral, the 20th day of November, 1880:

Present,—The Queen's most excellent Majesty in Council.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that—[*Here follows a recital of the Merchant Shipping Act, 1862, s. 60*]:

And whereas it has been made to appear to her Majesty that the rules concerning the measurement of tonnage of merchant ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the governments of Russia and the Grand Duchy of Finland, with the exception, as regards Russian steamships, of a slight difference in the mode of estimating the allowance for engine-room, and such rules are now in force in those countries, having come into operation at the following dates, viz.:—In Russia on the 20th day of December, 1879, and in the Grand Duchy of Finland on the 1st day of June, 1877:

Her Majesty is hereby pleased, by and with the advice of her Privy Council to direct as follows:

1. As regards sailing ships, that merchant sailing ships of the said Russian Empire, the measurement whereof, after the said 20th day of December, 1879, has been ascertained and denoted in the registers and other national papers of such sailing ships, testified by the date thereof, and merchant sailing ships of the said Grand Duchy of Finland, the measurement whereof has, after the said 1st day of June, 1877, been ascertained, denoted and testified as aforesaid, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner and to the same extent and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing ships is deemed to be the tonnage of such ships.

2. As regards steamships, that merchant ships belonging to the said Russian Empire which are propelled by steam or any other power requiring engine-room, the measurement whereof shall, after the said 20th day of December, 1879, have been ascertained and denoted in the registers and other national papers of such steamships, testified by the dates thereof, and that merchant steamships belonging to the said Grand Duchy of Finland, the measurement whereof has, after the said 1st day of June, 1877, been ascertained, denoted, and testified as aforesaid, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships, provided, nevertheless, that if the owner or master of any such Russian steamship desires the deduction for engine room in his ships to be estimated under the rules for engine room measurement and deduction applicable to British ships instead of under the Russian rule, the engine room shall be measured and the deduction calculated according to the British rules.

I.

ADDITIONAL RULES *as to Investigations into Shipping Casualties.*

The Merchant Shipping Act, 1876, 39 & 40 Vict. c. 80.

The Shipping Casualties Investigations Act, 1879, 42 & 43 Vict. c. 72.

39 & 40 Vict. c. 80, s. 30.

WHEREAS by section 30 of "The Merchant Shipping Act, 1876," it was provided as follows [*Here follows a recital of the section in question down to the word "assessors"*]:

42 & 43 Vict. c. 72, s. 3 (1).

And whereas, by section 3, sub-section 1, of "The Shipping Casualties Investigations Act, 1879," it was thus enacted [*Here follows a recital of the sub-section in question (a)*]:—

And whereas the Secretary of State has directed that the assessors shall, so far as in his opinion circumstances permit, be taken in order of rotation within each class or sub-class, and has further directed that the assessors placed by him on the list of assessors, on and after the 31st of March next, shall be classified according to their qualifications, as follows:—

QUALIFICATIONS.

CLASSES.

Class I.—Mercantile Marine Masters.

- (a.) Five years' service as a master in the merchant service, of which two years must have been service in command of a sailing ship, with a certificate of competency.
- (b.) Five years' service as a master in the merchant service, of which two years must have been service in command of a steam-ship, with a certificate of competency.

Class II.—Mercantile Marine Engineers.

Five years' service as an engineer in the merchant service, with a first-class certificate of competency.

Class III.—Royal Navy.

Rank of admiral or captain and three years' service in command of one of her Majesty's ships at sea, or rank of staff commander and three years' service in that rank in one of her Majesty's ships at sea.

Class IV.—Persons of Nautical Engineering or other special Skill or Knowledge.

- (a.) Such qualification as is in the opinion of the Secretary of State requisite for ordinary cases.
- (b.) Such qualification as is in the opinion of the Secretary of State requisite for special cases.

42 & 43 Vict. c. 72, s. 3 (2), (3).

And whereas it was further provided by section 3, sub-sections 2 and 3 of the same act, as follows [*Here follows a recital of the sub-sections in question (b)*]:

(a) *Supra*, p. cccxlviii.

(b) *Supra*, p. cccxxa.

Now, under the authority of the above-mentioned acts, I, the Right Honourable Hugh MacCalmont, Earl Cairns, Lord High Chancellor of Great Britain, hereby make the following general rules:—

Short Title.

1. These rules may be cited as "The Shipping Casualties Rules, 1879."

Commencement.

2. These rules shall, subject as hereinafter mentioned, come into operation on the 24th day of December, 1879.

Publication of Rules.

3. These rules shall be published by her Majesty's Stationery Office through its agents, and a copy shall be kept at every custom house and mercantile marine office in the United Kingdom, and any person desiring to peruse them there shall be entitled to do so.

Appointment of Assessors.

4. The power of appointing assessors for investigations into shipping casualties shall be vested in the Secretary of State.

5. If any investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of a master, mate, or engineer, then, in order to satisfy the aforesaid statutory requirement of not less than two assessors having experience in the merchant service, there shall be appointed from the list not less than two assessors from Class I. and Class II., or from either of those classes.

6. Subject to any special appointment or appointments which the Secretary of State may think it expedient to make in any case where special circumstances appear to him to require a departure from these rules (the requirements of Rule 5 being always complied with), assessors shall be appointed as follows:—

- (1.) Where the investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of a master or mate, but not of an engineer, at least two assessors shall be appointed from Class I.
- (2.) Where the investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of a master or mate of a sailing ship, one at least of the assessors shall be appointed from sub-section (a) of Class I., and where the investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of a master or mate of a steamship, one at least of the assessors shall be appointed from sub-section (b) of Class I.
- (3.) Where the investigation involves, or appears likely to involve, the cancelling or suspension of the certificate of an engineer, one at least of the assessors shall be appointed from Class II.

7. The Board of Trade shall inform the Secretary of State when assessors are required, and shall state from which of the aforesaid classes assessors ought, in their opinion, to be appointed, in order to give due effect to the aforesaid classification and these rules; but the Board of Trade shall not request the appointment of any individual assessor.

8. An appointment made by the Secretary of State of any assessor or assessors for an investigation shall not be open to question on the ground that it was not in accordance with these rules, or does not give full effect to the requirements of these rules.

9. Whereas it is necessary to make temporary provision for the appointment of assessors until the classification referred to in these rules can be effected. Therefore, Rules 5 to 7 (both inclusive) shall not come into operation until the 31st of March, 1880, and until those rules come into operation the statutory requirements as to the appointment in certain

cases of two assessors having experience in the merchant service shall be deemed to be complied with by the appointment of persons who, in the existing list, appear as qualified by service in the mercantile navy.

Dated this 20th day of December, 1879.

CAIRNS, C.

II.

ADDITIONAL RULES *as to Investigations into Shipping Casualties*, 1880.

The Merchant Shipping Act, 1876, 39 & 40 Vict. c. 80.

The Shipping Casualties Investigations Act, 1879, 42 & 43 Vict. c. 72.

39 & 40 Vict. c. 80, s. 30.

WHEREAS by sect. 30 of the Merchant Shipping Act, 1876, it was provided as follows [*Here follows a recital of the section in question down to the word "assessors"*]:

42 & 43 Vict. c. 72, s. 3 (1).

And whereas by sect. 3, sub-sect. 1, of "The Shipping Casualties Investigations Act, 1879," it was thus enacted [*Here follows a recital of the sub-section in question*]:

And whereas the Secretary of State has directed that the assessors shall, so far as in his opinion circumstances permit, be taken in order of rotation within each class or sub-class, and has further directed that the assessors placed by him on the list of assessors shall be classified according to the qualifications set forth in the "Additional Rules as to Investigations into Shipping Casualties," dated the 20th day of December, 1879:

And whereas the Secretary of State has further directed that the following qualifications with respect to Class II., mercantile marine engineers, shall be substituted for the qualifications set forth in the said rules, viz.:—

QUALIFICATIONS.

CLASSES.

Class II.—Mercantile Marine Engineers.

Five years' service as an engineer in the merchant service, and at the time of appointment holding a first-class certificate of competency as an engineer.

Now, under the authority of the above-mentioned acts, I, the Right Honourable Hugh MacCalmont, Earl Cairns, Lord High Chancellor of Great Britain, hereby make the following general rules:—

Commencement.

1. These rules shall come into operation on the 19th day of April, 1880.

Publication of Rules.

2. These rules shall be published by her Majesty's Stationery Office through its agents, and a copy shall be kept at every custom house and mercantile marine office in the United Kingdom, and any person desiring to peruse them there shall be entitled to do so.

3. The Shipping Casualties Rules, 1879, shall be read and construed and shall take effect as if the qualifications above set forth with respect to Class II., mercantile marine engineers, had been inserted in the said rules in lieu of the qualifications therein specified.

Dated this 19th day of April, 1880.

CAIRNS, C.

ADDITIONAL RULES (APPEALS AND REHEARINGS) *as to Investigations into Shipping Casualties, 1880.*

The Merchant Shipping Act, 1876, 39 & 40 Vict. c. 80.

The Shipping Casualties Investigations Act, 1879, 42 & 43 Vict. c. 72.

UNDER the authority of the above-mentioned acts, I, the Right Honourable Hugh MacCalmont, Earl Cairns, Lord High Chancellor of Great Britain, hereby make the following general rules:—

Short Title.

1. These rules may be cited as “The Shipping Casualties (Appeal and Rehearing) Rules, 1880.”

Commencement.

2. These rules shall come into operation on the 21st day of April, 1880.

Interpretation.

3. In the construction of these rules the word “judge” shall mean the Wreck Commissioner, stipendiary magistrate, justices or other authority empowered to hold an investigation into the conduct of a master, mate or engineer, or into a shipping casualty.

Publication of Rules.

4. These rules shall be published by her Majesty’s Stationery Office, through its agents, and a copy shall be kept at every custom house and mercantile marine office in the United Kingdom, and any person desiring to peruse them there shall be entitled to do so.

Copy of Report where Certificate affected.

5. Where the certificate of a master, mate or engineer has been cancelled or suspended, the Board of Trade shall, on application by any party to the proceedings, give him a copy of the report made to the Board.

Appeals.

6. Every appeal under section two of “The Shipping Casualties Investigations Act, 1879” (a), shall be subject to the conditions and regulations following, namely:—

- (a.) The appellant shall, within seven days after the day on which the decision appealed against is pronounced, serve on such of the other parties to the proceedings as he may consider to be directly affected by the appeal, notice of his intention to appeal, and shall also, within two days after the appeal is set down, serve on the said parties notice of the general grounds of the appeal.
- (b.) If the appeal is brought by any party other than the Board of Trade, the appellant shall give such security, if any, by deposit of money or otherwise, for the costs to be occasioned by the appeal, as the judge from whose decision the appeal is brought, on application made to him for that purpose, may direct.
- (c.) The appellant shall, before the expiration of the time within which notice of appeal may be given, leave with the officer for the time being appointed for that purpose by the court to which the appeal is brought (in these rules referred to as the Court of Appeal) a copy of the notice of appeal, and the officer shall thereupon set down the appeal by entering it in the proper list.

(a) See *supra*, p. cccxxa.

- (d.) The Court of Appeal shall be assisted by not less than two assessors, to be selected, in the discretion of the court, having regard to the nature of each case, from either or both of the following classes:—
 - 1. Elder brethren of the Trinity House.
 - 2. Persons approved from time to time by the Secretary of State as assessors for the purpose of formal investigations into shipping casualties, under section thirty of "The Merchant Shipping Act, 1876," and sub-section one of section three of "The Shipping Casualties Investigations Act, 1879."
- (e.) The Court of Appeal may, if it thinks fit, order any other person or persons, body or bodies, other than the parties served with the notice of appeal, to be added as a party or parties to the proceedings for the purposes of the appeal, on such terms with respect to costs and otherwise as to the Court of Appeal seems meet.
- (f.) Any party to the proceedings may object to the appearance on the appeal of any other party to the proceedings as unnecessary.
- (g.) The evidence taken before the judge from whose decision the appeal is brought shall be proved before the Court of Appeal by a copy of the notes of the judge, or of the shorthand writer, clerk, secretary or other person authorized by him to take down the evidence, or by such other materials as the Court of Appeal thinks expedient; and a copy of the evidence, and of the report to the Board of Trade containing the decision from which the appeal is brought, and of the notice of the general grounds of the appeal, shall be left with the officer for the time being appointed for that purpose by the Court of Appeal before the appeal comes on for hearing. For the purpose of this rule, copies of the notes of the evidence, and of the report, shall be supplied to the appellant, on request, by the judge or other person having charge thereof, on payment of the usual charge for copying.
- (h.) The Court of Appeal shall have full power to receive further evidence on questions of fact, such evidence to be either by oral examination in court, by affidavit, or by deposition taken before an examiner or commissioner. Evidence may also be given with special leave of the Court of Appeal as to matters which have occurred since the date of the decision from which the appeal is brought.
- (i.) The Court of Appeal shall have power to make such order as to the whole or any part of the costs of and occasioned by the appeal as may seem just.
- (j.) Subject to the foregoing provisions of this rule, every appeal shall be conducted under and in accordance with the general rules and regulations applicable to ordinary proceedings before the Court of Appeal to which it is brought; but there shall not be anything in the nature of pleadings, other than the notice of the general grounds of the appeal, except by special permission of the Court of Appeal.
- (k.) On the conclusion of an appeal, the Court of Appeal shall send to the Board of Trade a report of the case similar to that required to be sent by the judge from whose decision the appeal is brought.

Rehearings by Order of Board of Trade.

- 7. (a.) Where the Board of Trade direct a rehearing under section two of "The Shipping Casualties Investigations Act, 1879," they shall cause such reasonable notice to be given to the parties whom

they consider to be affected by the rehearing as the circumstances of the case may, in the opinion of the Board of Trade, permit.

- (b.) The provisions distinguished as (d.), (e.), (f.), (g.), (h.), (i.), (j.) and (k.) of the last foregoing rule shall apply to a rehearing as if it were an appeal, and as if the court or authority before whom the rehearing takes place were the Court of Appeal.

Dated this 17th day of April, 1880.

CAIRNS, C.

The following Orders in Council, relating to pilotage, have been made since the Pilotage Table, at p. 110, was printed:—

Pilotage District.	Date.	Gazetted.
King's Lynn	19th March, 1880	18th March, 1880.
Tyne	6th September, 1880 ..	14th September, 1880.
London District(2). (See <i>supra</i> , pp. 188, 190).	6th September, 1880 ..	14th September, 1880.

ORDER IN COUNCIL *relating to the Navigation of the River Mersey.*Navigation
Rules.At the Court at Osborne House, Isle of Wight, the 5th day of
January, 1881.Mersey River.

Present,—The Queen's most excellent Majesty in Council.

WHEREAS, by an Order in Council made in pursuance of "The Merchant Shipping Act Amendment Act, 1862," and dated the 27th day of June, 1866, her Majesty, on the application of the Mersey docks and harbour board being the harbour trust owning and exercising jurisdiction upon the waters of the River Mersey, and in the sea channels, and approaches thereto, was pleased to make certain rules set forth in the schedule thereto concerning the lights and signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating such waters (a) :

And whereas by an Order in Council made as aforesaid and dated the 14th day of August, 1879, her Majesty was pleased to direct that the new "regulations for preventing collisions at sea," contained in the first Schedule to the said Order should come into operation on the 1st day of September, 1880, and should be substituted for and in lieu of the "regulations for preventing collisions at sea" appended to the then existing Order in Council dated the 9th day of January, 1863 (b).

And whereas by an Order in Council made as aforesaid and dated the 24th day of March, 1880, her Majesty was pleased to direct that the operation of Article 10 of the said new regulations should be suspended until the 1st day of September, 1881, and that there should be substituted therefor and in lieu thereof Article 9 of the said recited Order in Council of the 9th day of January, 1863 (c).

And whereas the said Mersey docks and harbour board have applied to her Majesty in Council to make, and have submitted for approval certain new rules (in which are embodied, subject to certain exceptions and additions therein mentioned, the said recited new "regulations for preventing collisions at sea"), concerning the lights and signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating the said waters, to be substituted for and in lieu of the rules set forth in the schedule to the said recited Order in Council of the 27th day of June, 1866 :

And whereas the new rules so submitted as aforesaid appear to be reasonable and proper :

Now, therefore, her Majesty by virtue of the powers in her vested by the said recited act, and by and with the advice of her Privy Council, doth hereby make the said new rules which are set forth in the Schedule hereto, and her Majesty doth hereby direct that the same shall come into operation on the first day of February, 1881, and shall be substituted for and in lieu of the rules set forth in the Schedule to the

(a) See *supra*, p. 49.(b) See *supra*, p. 175.(c) See *supra*, p. 179.

**Navigation
Rules.****Mersey River.**

said recited Order in Council of the 27th day of June, 1866, and that from and after the said first day of February, 1881, the said last-mentioned rules shall be and the same are hereby rescinded.

SCHEDULE.

RULES concerning the Lights or Signals to be carried, and concerning the steps for avoiding Collision to be taken by Vessels navigating the River Mersey.

1. Every vessel exceeding ten tons measurement, including river craft while navigating, or anchored, or moored in any part of the River Mersey, shall from and after the first day of February, 1881, observe and obey the new "regulations for preventing collisions at sea," as set out in the first Schedule annexed to an Order in Council made in pursuance of "The Merchant Shipping Act Amendment Act, 1862," and dated the 14th day of August, 1879, and as varied and amended by an Order in Council made as aforesaid and dated the 24th day of March, 1880, with the exceptions and additions mentioned in the following rules.

2. Canal flats and all other vessels without masts, whilst being towed, shall carry the lights prescribed for sailing vessels by Article 6 of the said "regulations for preventing collisions at sea."

3. In addition to the lights for a steam vessel towing another vessel prescribed by Article 4 of the said regulations, such steam vessel shall carry a bright white light showing astern as a guiding light to the vessel or vessels being towed.

4. Instead of the light prescribed by Article 8 of the said regulations, every vessel when at anchor in the River Mersey shall carry two white lights in globular lanterns of not less than eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon for at least one mile, one of which lights shall be placed at a height not exceeding twenty feet above the hull on the forestay, or otherwise near the bow where it may best be seen, and the other at the main or mizen peak, or on the boom topping lift, or other position near the stern at double the height of the bow light before mentioned.

5. Instead of the light prescribed by Article 11 of the said regulations, a bright white light, similar to the lights mentioned in Rule 4, shall be shown continuously from the stern rail of every vessel while underway and in motion in all weathers, between sunset and sunrise.

6. A vessel anchored to mark the position of a wreck or other obstruction shall carry in all weathers, from sunset to sunrise, two bright white lights similar to those mentioned in Rule 4, which lights shall be placed horizontally on a cross yard on the foremast at a height not exceeding twenty feet above the hull, and twenty feet apart. And the said vessel shall carry in all weathers, between sunrise and sunset, two black balls placed as hereinbefore ordered with regard to the lights afore-mentioned.

(a) See *supra*, pp. 175, 179.

ENACTED BY
THE BOARD OF TRADE,
MAY, 1864.
In pursuance of
17 & 18 Vict. c. 104.

"If there is a surety,
his name is to be inserted
here; but a surety is not
essential. If there is not
one, the part relating to
him should be struck out."
See note 1.

Registered at the port of _____, this _____ day of _____, 18 ____.

(Signed) _____

(1) ORDINARY APPRENTICES INDENTURE.

THIS INDENTURE, made the _____ day of _____, 18 ____, Between _____, aged _____ years, a native of _____, in the county of _____, of the first part, _____, of the second part, and _____, in the county of _____, of the third part, Witnesses, that the said _____ hereby voluntarily binds himself apprentice unto the said _____, his executors, administrators and assigns, for the term of _____ years from the date hereof; and the said apprentice hereby covenants that, during such time, the said apprentice will faithfully serve his said master, his executors, administrators and assigns, and obey his and their lawful commands, and keep his and their secrets, and will, when required, give to him and them true accounts of his or their goods and money which may be committed to the charge, or come into the hands, of the said apprentice; and will, in case the said apprentice enters her Majesty's service during this said term, duly account for and pay, or cause to be paid, to his said master, his executors, administrators, or assigns, all such wages, prize money, and other monies as may become payable to the said apprentice for such service; and that the said apprentice will not, during the said term, do any damage to his said master, his executors, administrators or assigns, nor will he consent to any such damage being done by others, but will, if possible, prevent the same, and give warning thereof; and will not embezzle or waste the goods of his master, his executors, administrators or assigns, nor give or lend the same to others without his or their licence; nor absent himself from his or their service without leave; nor frequent taverns or alehouses, unless upon his or their business; nor play at unlawful games: In consideration whereof the said master hereby covenants with the said apprentice, that during the said term he, the said master, his executors, administrators and assigns, will and shall use all proper means to teach the said apprentice, or cause him to be taught, the business of a seaman, and provide the said apprentice with sufficient meat, drink, bedding, washing, medicine, and medical and surgical assistance, and pay to the said apprentice the sum of £ _____, in manner following, (that is to say):

the said apprentice providing for himself all sea-bedding, wearing apparel, and necessaries (except such as are heretofore specially agreed to be provided by the said master. And it is hereby agreed, that if, at any time during the said term, the said master, his executors, administrators or assigns, provide any necessary apparel, or sea-bedding for the said apprentice, he and they may deduct any sums properly expended thereon by him or them from the sums so agreed to be paid to the said apprentice as aforesaid: And for the performance of the agreements herein contained, each of them, the said _____ and _____, doth hereby bind himself, his heirs, executors and administrators, unto the other of them, his executors and administrators, in the penal sum of £ _____; and for the performance of the covenants on the part of the said apprentice herein contained, the said _____, as surety, doth hereby bind himself, his heirs, executors and administrators, unto the said _____, his executors and administrators, in the penal sum of £ _____: Provided, that notwithstanding the penal stipulations herein contained any justice or justices of the peace may exercise such jurisdiction in respect of the said apprentice as he or they might have exercised if no such stipulations had been herein contained.

In witness whereof the said parties have unto set their hands and seals, the day and year above written.
Signed, sealed and delivered, in the presence of

(S.A.) _____ (Master),
(A.A.) _____ (Apprentice),
(S.S.) _____ (Surety).

NOTE.—This indenture must be executed in duplicate, both copies must be taken to the Registrar-General of Seamen; or, if in the country, to some maritime marine superintendent; one copy will then be retained and recorded, and the other returned to the master with the necessary indentment.

**** * The references to those portions of the Appendix which are paged in Roman numerals are given in Arabic numerals. The references to the Orders in Council and the Supplementary Appendix are given in Arabic numerals of the character of type in which they are paged.***

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